

JOURNAL
John O. Beene
OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF ALABAMA,

BEGUN AND HELD AT THE TOWN OF TUSCALOOSA, ON THE THIRD
MONDAY IN NOVEMBER, 1830.

BEING THE TWELFTH ANNUAL SESSION,

OF THE

GENERAL ASSEMBLY OF SAID STATE.

Tuscaloosa:

**PRINTED BY WILEY, M'GUIRE AND HENBY,
STATE PRINTERS.**

1831.

BLANK PAGE

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

Monday, Nov. 15, 1830.—On Monday the fifteenth day of November, in the year of our Lord one thousand eight hundred and thirty, the following members of the House of Representatives appeared in the State Capitol, in the City of Tuscaloosa, were duly qualified, and took their seats, to wit:

From the county of Autauga—Robert Brodnax and Dixon Hall, sen.

Baldwin—James F. Roberts.

Bibb—David R. Boyd and James B. Clark.

Blount—William H. Musgrove and Daniel Murphree.

Butler—Nathan Cook.

Clarke—William M. bley.

Conecuh and Covington—Joseph P. Clough and Samuel Dubose.

Dallas—William Taylor, Peter W. Herbert and Benjamin R. Hogan.

Franklin—Benjamin Hudson and Albert C. Horton.

Fayette—James K. McCallum.

Greene—John Gayle, Thomas Riddle and Thomas Chiles.

Henry and Dale—James Ward.

Jackson—Daniel Price, Jno. Gilbreath, Jno. B. Stephens and Wm. Barclay.

Jefferson—John Brown and Peyton King.

Lawrence—Thomas Coopwood and Harvey Dillahunt.

Limestone—George W. Lane, William Richardson and William Sanders.

Lauderdale—William George, John P. Cunningham and Hugh M. Vay.

Madison—David Moore, Wm. Acklen, jr. Henry King and James Penn.

Morgan—Daniel E. Hickman, John T. Rather and Horatio Philpott.

Marion—James Metcalfe and Thaddeus Walker.

Montgomery—Moseley Biker, John Rugeley and Samuel C. Oliver.

Marengo—Charles D. Conner.

Monroe—James Dillatt, John Faulk and Nathan Coker.

Mobile—Alexis D. Durand and John F. Everett.

Perry—Martin A. Lea, Elisha F. Kier and Elisha Young.

Pike—Andrew C. Townsend and Lucintha Jackson.

Pickens—John C. Kilpatrick.

St. Clair—Champ Langford and John Massey.

Shelby—Samuel W. Mardis and Job Lawler.

Tuscaloosa and Walker—Marmaduke Williams, Thomas Hogg, Moses Collins and Eli Shortridge.

Washington—Pulemy Harris.

Wilcox—Walter R. Ross and Allen Moore.

On motion of Mr Barclay, Mr Williams was called to the chair, and Thomas B. Tunstall was appointed clerk pro tem.

The House then proceeded to the election of a Speaker; James Penn, Marmaduke Williams, David Moore and Elisha Young, being in nomination; James Penn, a representative from the county of Madison, having received a majority of votes given, was declared duly elected, conducted to the chair, made his acknowledgements to the House for the honor conferred, was qualified, and entered upon the discharge of the duties of his office.

The House then proceeded to the election of a principal clerk—Thomas B. Tunstall being in nomination.

Those who voted for Thomas B. Tunstall are, messrs Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Conner, Cook, Coopwood, Cunningham, Dubose, Dillahunty, Dillett, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, McCallum, Metcalf, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Roberts, Ross, Rugeley, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

Thomas B. Tunstall having received a majority of votes, was therefore declared duly elected Clerk of the House of Representatives, was qualified, and entered on the discharge of the duties of his office.

The House then proceeded to the election of an Assistant clerk, Thomas Nixon Van Dyke being in nomination.

Those who voted for Mr Van Dyke are, Mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Conner, Cook, Coopwood, Cunningham, Dubose, Dillahunty, Dillett, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, McCallum, McVay, Metcalf, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Roberts, Ross, Rugeley, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

Mr Van Dyke having received a majority of votes, was therefore declared duly elected Assistant Clerk of the House of Representatives, was qualified, and entered upon the discharge of the duties of his office.

The House then proceeded to the election of an Engrossing Clerk, William B. McClellan and — Davis being in nomination.

William B. McClellan having received a majority of votes, was therefore declared duly elected Engrossing Clerk, was qualified, and entered upon the discharge of the duties of his office.

The House then proceeded to the election of a Door Keeper, John Tatom and — McMillin being in nomination. John Tatom having received a majority of votes, Mr Speaker therefore declared him duly elected Door Keeper, was qualified, and entered upon the discharge of the duties of his office.

A message was received from the Senate by Mr Morton: Mr Speaker—The Senate have adopted the following resolution: *Resolved*, that the House of Representatives be informed that the Senate is organized, that they have elected Samuel B. Moore, Esq. President, Francis S. Lyon, Secretary, and James Rather Door Keeper, and that they are ready to proceed to business.

Ordered, that said resolution lie on the table.

On motion of Mr Young, *Resolved*, that the Senate be informed that the House of Representatives is organized; and have elected James Penn, Esq. Speaker, Thomas B. Tunstall Principal Clerk, T. Nixon Van Dyke, Assistant Clerk; William B. McClellan, Engrossing Clerk, and John Tatom, Door Keeper, and are ready to proceed to business.

On motion of Mr Williams, *Resolved*, that the rules heretofore adopted for the government of the House, be adopted as the rules for the government of the present session, until otherwise altered.

Ordered, that one hundred copies of said rules be printed for the use of the House.

On motion of Mr Mobley, *Resolved*, that a committee be appointed to act with such committee as may be appointed on the part of the Senate to inform the Governor that the two Houses are now organized, and ready to

receive any communication he may think proper to make—Whereupon, messrs Mobley, Mardis, and Moore of M. were appointed said committee.

On motion of mr Young, *Resolved*, that the editor of the Spirit of the Age, and the editor of the Alabama State Intelligencer, be admitted a seat within the bar of this House, for the purpose of taking notes of its proceedings.

And then the House adjourned until to-morrow morning at 10 o'clock.

Tuesday, Nov. 16, 1830.—The House met pursuant to adjournment.

Mr Young presented the petition of sundry inhabitants of Perry county, praying the passage of a law to prevent the evil practice of horse racing in public highways, which was read and laid on the table.

Mr Horton presented the memorial of Edward Prince of Franklin county, praying the passage of a law to be relieved from the payment of a certain sum of money therein mentioned; which was read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr Young presented the petition of Jillman K. C. Pool, of Perry county, praying the passage of a law to legitimate certain persons therein named; which was read and referred to a select committee, consisting of Messrs Young, Gayle and King of Perry, to consider and report thereon.

Mr Shortridge presented the petition of sundry inhabitants of Tuscaloosa and St. Clair counties, praying the passage of a law to authorize John H. Garrett, to open a road and establish a ferry over the Coosa river, at said Garretts, in said county of St. Clair; which was read and laid on the table.

Mr M'Vay offered the following resolution: *Resolved*, that the following standing committees be appointed, to wit:

A Committee on Privileges and Elections; a Committee on Propositions and Grievances; a Committee on Enrolled Bills; a Committee on Inland Navigation; a Committee on Roads, Bridges and Ferries; a Committee on Ways and Means; a Committee on the Military; a Committee on Lands appropriated for Internal Improvement; a Committee on the Judiciary; a Committee on County Boundaries; a Committee on Education; a Committee on Accounts; a Committee on Divorce and Alimony; a Committee on the State Bank; a Committee on the State Capitol; a Committee on Indians and Affairs in relation to Lands in possession of Indians, within the chartered limits of this State; a Committee on the State of the Republic.

Mr Coopwood moved to amend the resolution by striking out the words "*a Committee on the State of the Republic.*" Mr Clark moved to amend the resolution by striking out the words, "*the state of the Republic,*" with a view to insert "*the State and Federal relations,*" which was lost. The question recurred on Mr Coopwood's motion and carried. The resolution as amended was then adopted.

A message was received from the Senate, by Mr Lyon their Secretary: Mr Speaker—The Senate have adopted the following preamble and resolution, in which they desire your concurrence: Whereas it is desirable that some mode should be adopted by the two houses of the General Assembly of this State, so as to facilitate the despatch of public business—And whereas, it is believed by the Senate, that an interchange of bills and joint resolutions on their respective readings, would in a great measure, promote this desirable end.—*Be it therefore resolved*, with the concurrence of the House of Representatives, that a committee of three members on the part of the Senate, and three members on the part of the House of Representatives, be appointed, whose duty it shall be to enter into, and come to some mutual understanding, as to the interchange of bills and joint resolutions, and to report the same for the consideration of their respective houses, at as early

a day as practicable. They have appointed a committee on their part to consist of Messrs Pickett, Jackson and Garth. They concur in the resolution of your honorable body, proposing the appointment of a joint committee to wait on his Excellency the Governor and inform him of the organization of the two Houses of the General Assembly, and of their readiness to receive any communication he may think proper to make, and have appointed on their part Messrs Morton, Pickett and Perry.

Mr Coopwood moved that the resolution lie on the table, which was carried.

Mr Moore of M. offered the following resolution: *Resolved*, that a committee be appointed on the part of this House, to act with such committee as may be appointed by the Senate, to memorialize the Congress of the United States in regard to the public lands, and the propriety of amending the law of Congress granting relief to the purchasers of low priced lands, and the justice of granting relief to occupants where more than two are settled on the same quarter section or legal subdivision, with leave to report by memorial or otherwise. Mr Coopwood moved that the further consideration of the resolution be postponed till to-morrow; which was carried.

Mr Brodnax obtained leave to introduce a bill to be entitled an act more effectually to secure trials in capital cases by impartial jurors; which was read a first time and ordered to a second reading on to morrow.

Mr Hogg obtained leave to introduce a bill to be entitled an act authorizing the convening and adjourning of the General Assembly of the State of Alabama; which was read a first time and laid on the table.

Mr Conner obtained leave to introduce a bill to be entitled an act to establish a distinct separate Supreme Court, which was read a first time and ordered to a second reading to-morrow.

Mr Mobley, from the joint committee appointed on the part of this House to act with the committee appointed on the part of the Senate, to wait on his Excellency the Governor, have performed that duty, and received for answer, that his Excellency will communicate at the hour of 12 o'clock to-day.

Mr Coopwood offered the following resolution: *Resolved*, that a special committee be appointed with instructions to inquire into the expediency of establishing a Branch of the Bank of the State of Alabama at some suitable point in the Tennessee Valley. Mr Clark moved to amend the resolution by striking out the words "a special committee be appointed with instructions," to insert in lieu thereof the words "the committee on the State Bank be instructed," which was carried. The resolution as amended was then adopted.

Mr Sanders presented the report of the Tennessee Canal Commissioners, which is as follows:

To the Honorable the General Assembly of the State of Alabama,

The Commissioners appointed pursuant to "an act to appoint Canal Commissioners for the improvement of the navigation of the Tennessee river, and for other purposes," passed 15th January 1830, in obedience to a provision of that act, respectfully submit the following Report:

That they convened at Courtland, Lawrence county, on the notification of Messrs. Lane and Ormond, on the 25th February 1830, and organized the Board by the appointment of Nicholas Davis President, and John Boardman Secretary.

Duly impressed with the magnitude and importance of the duties assigned them, and sensible of the inexperience of the members in such undertakings, the Commissioners resolved to send an agent to visit those States which had been engaged in Canalling and other public works for improving the navigation of rivers, to obtain such information as would enable this Board to prosecute the work to advantage, and

to form acquaintance with such Engineers as it might be necessary and expedient to employ; and to make representations to contractors and others, respecting the situation of the country, explain the nature of the work about to be undertaken, the facilities for procuring materials, supplies, &c. for the prosecution of this work. In pursuance of that resolution, the President of the Board on 7th March last, appointed General William L. Adair, one of the members of this Board, the agent to perform the above mentioned duties, who accepted the appointment, and shortly afterwards started upon his mission.

No Report from the Engineer Department of the United States, of the plan of improving the Tennessee river, having been received, the President ordered General Adair to proceed by way of Washington City, and endeavour to obtain the report from the Board of Internal Improvement.

During the absence of General Adair (about 20th May last) Lieutenant Dumeste, of the United States Topographical Engineers, arrived in Alabama, with the report of the plan of improving that part of the Tennessee river between Florence and Waterford: upon the receipt of which the President convened the Board at Athens on 25th May last. By reference to the report which is hereto appended (marked A) it will appear to be an elaborate and scientific production, and in every respect entitled to the profound deference of this Board. The plan projected by the United States Engineers, contemplates the improvement of the channel of the river, by dragging and blasting its bottom, and the erection of walls and wing dams, when necessary to obtain the requisite depth for steam boat navigation at low water.

The time for commencing this work, limited by the act of Congress, granting certain lands to the State for this improvement, had already expired before the above Report was presented to the Board. Another act was passed on the 24th of April last, extending the time to the first of December next, with the requisitions of which act it then became an object of intense solicitude literally to comply, that so magnificent a donation should not be suffered to revert by reason of any neglect of duty on the part of the Commissioners. One of the provisions of the above recited act of Assembly, directing the manner of prosecuting the work, requires that advertisements inviting proposals from contractors, shall be published at least ninety days in sundry newspapers in other States, before any part of the line of improvement could be put under contract, or, in other words, before such a commencement of the work could be made as would comply with the terms of the grant. The spirit and intention of the law which requires advertisements to be published abroad, could only be observed by affording such a length of time for commencing the work, after letting the contracts, as would enable successful competitors from a distance to return home, make the necessary preparations, and bring on the necessary force and machinery, previous to the 1st of December. According to those views, the letting could not be delayed beyond the 20th of September; and that would allow but a scanty pittance of time to contractors from other States to make the necessary arrangements for commencing operations as contemplated by act of Congress. The short length of time allowed between 25th May and 1st December for advertising, letting out the work, and preparing to commence such important and difficult undertakings, placed the Commissioners in an unpleasant dilemma, for the want of an experienced Engineer to survey the line of improvement, divide the work into suitable sections, and estimate the cost of each, previous to the letting. Although the Commissioners had a manuscript copy of the plan of improvement, then for the first time laid before them, which they considered obligatory upon them, and although it exhibited minute and detailed operations to be performed at the different points of obstruction, yet it was manifestly so inaccurate in the estimates of cost, and in other respects so incomplete, that it did not in the least contribute to obviate the embarrassment which the Commissioners then experienced. In this emergency the Commissioners deemed themselves fortunate in being enabled to obtain the services of Lieutenant Dumeste, who was highly recommended to them as an Engineer, and who had received the express permission of the President of the United States to enter into the service of the State if the Commissioners should desire him to take charge of this work. He had previously been attached to the corps detailed for making the surveys and examinations of Tennessee river, and was presumed to be better acquainted than a stranger with the views of

the United States Board of Internal Improvement, in respect to the plan; and being animated with a sincere desire cordially to reciprocate the courtesy of the General Government, whose bounty had furnished the means of prosecuting the work, the Commissioners unanimously concurred in appointing him (provisionally) their Engineer. This appointment was conferred on 26th May last, in the absence of General Adair, from whom the Board had received no information as to the prospect of obtaining an Engineer. In fact, it afterwards appeared that no civil Engineer of sufficient eminence to superintend this difficult work, could be procured in season to survey the line of improvement and prepare it for letting out, all those possessing the requisite qualifications, with whom General Adair became acquainted, being already engaged for the season, on the numerous public works which are now going on in other States.

Immediately after conferring the appointment upon Lieutenant Dumeste, the Board passed a resolution, directing him to proceed with as little delay as practicable, to make such surveys and examinations of the Tennessee river below Florence as he should deem necessary, to enable this Board to let the said work to contract, and to prepare plans, and drafts, and estimates of the proposed improvements, and estimates of the probable cost of each particular part, and a minute and accurate description thereof. And at the same time the Board directed an advertisement to be published according to act of Assembly, inviting proposals from contractors to be received on 20th September last. Having no other data than those contained in the above mentioned report, and not having time for farther examinations and surveys, the Board determined to advertise all the work, according to the estimates therein contained.

At a meeting of the Board on the 20th August last, all the members being present, the provisional appointment of Lieutenant Dumeste was confirmed by the Board, and his salary fixed at the rate of three thousand dollars per annum, to continue during the pleasure of the Board. The Board also appointed R. P. Baker superintendent of Masonry, with a salary at the rate of one thousand dollars per annum, to commence from the time his services will be required, and to continue during the pleasure of the Board; and in the meantime employed him to accompany the Engineer in his surveys and assist in making the estimates, &c. preparatory to letting the contracts.

On the 20th September the Board met at Tusculumbia, and were gratified to find that their invitation to contractors had attracted the attention of a considerable number of enterprising individuals and associations from distant States, the most of whom had been engaged in canalling, and had acquired in that line of business a high character for skill and fidelity. Some of our own citizens also were disposed to adventure in this novel undertaking; and it became evident there would be a sharp competition for the work.

The Engineer presented to the Board four small maps exhibiting his location of the sections on the line of improvement, together with an estimate (see appendix B) of the distribution of work and the cost of each section; and being present, gave the Board many verbal explanations respecting the different obstructions, the plan for overcoming them, &c. &c. The Board, however, determined not to decide upon proposals without first making a personal examination of the line of improvement; accordingly Messrs. Lane, Craig, and Adair, accompanied by the Engineer, went upon the river, and made such examinations and received such explanations as enabled them to judge with some degree of accuracy of the reasonableness of the proposals upon which they were then about to act. The description of the works about to be undertaken is of that difficult nature, attended with so much uncertainty, and subject to be interrupted in the prosecution by so many unforeseen contingencies, that the most experienced contractors differed very widely from each other in estimating the fair value. In prescribing the forms of proposals for dragging and blasting, it was deemed advisable that contractors should propose to insure a specified depth and width of water on the bars, by excavating the channel of whatever substance might interpose, taking upon themselves the risk of encountering loose or solid materials, limestone or flint rock. The Engineer of this Board, however, in making his estimates for the information of the Board, of quantity of dragging and blasting, and the cost of those operations, calculated each separately by the cubic yard.

For another description of work, viz. the construction of the walls and wing dams,

the estimates of the Engineer of this Board and the bids of contractors were both by the cubic yard, thereby enabling the Commissioners to make a sort of comparison between them, and to form some opinion of the reasonable value of the work, according to the estimates of the Engineer. For this part of the work there were no bids so low as the estimate: the lowest received exceeded it in the aggregate, for the construction of 22,500 cubic yards of rock masonry \$1,890. The lowest bid for dragging and blasting was less than the Engineer's estimate, \$2,942, so that the most favorable bids for performing the whole work of both descriptions fell short of the estimate \$1,032.—After a careful examination and comparison of the numerous proposals received, the Commissioners, with the advice of the Engineer, determined on the 25th of September to accept the proposals of Messrs Drum, Elder & Co. of Pennsylvania, for the digging and blasting, on the whole line, and that of Messrs Graves, Carothers & Co. of Ohio, for the construction of all the requisite dams. Copies of these contracts are hereto appended, marked C. By the terms of the first mentioned contract the contractors obligate themselves to excavate a channel, by dragging and blasting 120 feet in width and three feet in depth, at the lowest stage of water, on the entire length of the obstructions at Tusculum and Big Rock Shoals. And to excavate in the same manner, of the same width, and 2 1-2 feet in depth, at Colbert's and Brush Run Island Shoals, and Bee Tree Island Shoals, for the gross sum of forty-two thousand three hundred dollars, the work to be commenced in sixty days from the date of the contract, and to be finished in two years. The low water mark, as ascertained by the Engineer on the 15th September 1830, to be the best for determining on the performance of the contract, at which time it may be observed, the river was at an unusually low stage of water. By this contract, the depth of water at all places on the line of improvement, will not be so great as is contemplated by the United States Engineers, for it was impracticable, on account of the uncertainty of the materials to be encountered at some of the points, to make a contract to obtain a greater depth by dragging and blasting, at any thing like a reasonable price. Proposals were, however, received for procuring a greater depth in those places; but the sums demanded were so disproportionate to the advantage to be derived, that the Commissioners did not hesitate to reject them, preferring rather, if it should hereafter be deemed expedient to obtain a greater depth than three feet at the lowest stage, to resort to additional dams.

It will be observed that at two of the obstructions, viz: Tusculum and Big Rock Shoals, the contract is to excavate to the depth of three feet, and at the others, viz: Colbert's and Brush Run Island Shoals, and Bee Tree Island Shoals, only two and a half feet. The Commissioners believe that at those latter points, the additional depths could be more economically obtained by means of dams than by further blasting the bottom of the channel. The estimates of the Engineer are for a sufficient height of dams to increase the depth, after the effect of the dragging and blasting is ascertained, from one to two feet. So that if 2 1-2 feet at the shallowest places are obtained by the first process, from 3 1-2 to 4 1-2 feet will be obtained when completed. It is to be remarked, that by the great expansion of water at Colbert's Shoals, a rise in the river, which affords good navigation for large steamboats at other places, will not furnish a corresponding depth at this point. For example, when the water rises four feet at Bee Tree, the rise at Colbert's is only one foot, and in that proportion for a greater or lesser rise; consequently it will become necessary, in order to obtain a uniform navigation for large boats, from the mouth of the river to Florence, at ordinary stages of water, to provide for a much greater depth at this than at any other point, by additions to the height of the dams. In further illustration of this idea, let it be supposed, that a stage of water exists which will enable boats drawing 4 feet to pass over all obstructions. Now a rise of 6 feet in addition will permit the passage of the largest class of boats over all obstructions except at Colbert's Shoals, where there would then be, owing to the greater expansion of water, a total depth of 5 1-2 feet. Therefore to render this point equal to the others for navigation, it will be necessary to increase the height of the dams, until the requisite depth of water is obtained in the boat channel.

As the Commissioners believe it would be an unnecessary expenditure of money to contract for a greater depth between Waterloo and Florence, than exists at a similar stage of water between the mouth of the river and Waterloo, it will be a question of expediency for the future determination of the Board on further investigation, when

ther they will seek to obtain more than three feet at the lowest stage. Upon the supposition, that that depth will be adequate to all the useful purposes of navigation, a large portion of the dams projected by the United States Engineers can be entirely dispensed with, and those which it may be necessary to construct at Colbert's, Brushton Island, and Bee Tree Island Shoals may be greatly reduced in size. If hereafter the Ohio river and Tennessee, from its mouth to Waterloo, should be so improved as to admit of a greater depth of navigation at low water, a corresponding depth can then be obtained at the points of obstruction on this line of improvement, by means of additional dams, if the commerce of the country should require it.

Influenced by these considerations, and with a view to economize the limited fund arising from the grant, the Commissioners have made a contract for such walls and wing dams as it may be found expedient to construct after the dragging and blasting shall have been completed, and the effect on the navigation ascertained. For the principal part of this work the Commissioners have contracted to pay at the rate of \$2 87 1/2 cents per cubic yard, and for a small part at \$3 00 per cubic yard; the quantity to be more or less at the different points as the Commissioners may direct.—The difference in the costs of the works on this line of improvement, between the estimates of the United States' Board of Internal Improvement and the contract price, will not fail to excite the surprise of the General Assembly, and cannot be dismissed without a passing remark. It will be seen that the estimates of the United States' Board of Internal Improvement for the rock masonry, is in all instances at the rate of 65 cents per cubic yard, including all expenses of procuring the materials and constructing the walls; a price which the Commissioners believe is from 50 to 75 per cent below that given on any of the public works in other States under the most favorable circumstances, for the simplest construction of dams. The estimate made by the Engineer of this Board for the masonry is from \$2 50, the lowest, to \$3 10, the highest per cubic yard. These dams are projected by the Engineer of this Board upon a most perfect and substantial plan, and are required to be constructed in a masterly manner, both in respect to the materials used and the workmanship upon them.

The Commissioners freely confess their utter inability to conjecture the source of information or the data obtained by the Board of Internal Improvement, on which they founded the above estimate. They are, however, aware that the form of the dams and the specified workmanship for their construction, are of the most expensive description of dry masonry; and in their contract, they have reserved to themselves the right of modifying the form, and making such other alterations as economy and public expediency may require.

The disparity between the estimates of the Board of Internal Improvement and the contract price for the dragging and blasting, is still greater. For example, the Board estimated the whole cost of dragging and blasting the channel through the obstructions at Tusculum and Big Buck Shoals, at the sum of \$387, while the most favorable bids for those portions of the work amount to \$15,000, and the highest exceeds \$32,000. It will be recollected that these estimates of the quantity of dragging and blasting were made by the cubic yard, both by the Board of Internal Improvement and by the Engineer of this Board, while the contractors were required to propose for the excavation of the channel to a specific width and depth. By reference to the Report, it will be seen that the Board of Internal Improvement estimated the aggregate quantity of dragging and blasting at these points at 1734 cubic yards, while the Engineer of this Board, whose more accurate observation made at low water, estimated the quantity at the same points at 17,720 cubic yards. This variation in quantity may be reasonably accounted for, upon the supposition that the Board of Internal Improvement did not possess accurate information as to low water, on which to found their estimates.

Amidst all these conflicting and widely variant opinions and estimates, the Commissioners are consoled with the reflection, that although these different operations will greatly exceed the cost in proportion to quantity, as estimated by the United States' Board of Internal Improvement, yet the contracts being predicated upon an uncommonly low stage of water, the improvement, when accomplished, will insure, at ordinary stages of the river, an ample depth for all the useful purposes of navigation: and they derive additional consolation from the conviction that the contracts have

been closed upon the most favorable terms that could, under the circumstances, be obtained, and with men of the most unexceptionable moral and professional standing.

Considering the work is to be performed by northern laborers in a southern latitude, and that too in places not the most favorable to the health of the operatives, and considering the numerous interruptions to which the regular and systematic prosecution of the work will be liable by the frequent freshets in the river, and that it is a first experiment of prosecuting public works in this section of country, the Commissioners are entirely satisfied that they have not contracted to give more than a fair and reasonable price for such kind of work.

No Report of the plan of improving that part of the river above Florence has yet been received from the Board of Internal Improvement, though the Commissioners have assurance of its being in a state of forwardness, and are in daily expectation of receiving it.

From the foregoing, it is evident that only a small sum of money can be expended, or will be required, on the line of improvement below Florence for the next two years, although there are ample funds in hand to prosecute the work with energy. This is owing to the peculiar nature of the work, and the difficulties incident to its performance, all operations being liable to be impeded by a rise of the water. It is not expected that much can be accomplished before the approaching winter freshets, except to construct machines and make other preparations for dragging and blasting. These machines cannot be advantageously worked except at a tolerably low stage of water, and the blasting of rock in the channel of the river can only be performed at the very lowest stage; consequently it was found necessary to allow two seasons for this part of the work, though the Commissioners have the utmost confidence in the readiness of the contractors to complete their jobs at an earlier period if the stage of the river will permit. Besides, it is obviously for their interest to make a quick rather than a protracted performance, as they rely exclusively upon laborers from distant States, whose wages and rations will be drawn as well when the water is high as low, whether employed or idle; and this circumstance was of course taken into consideration by the contractors and increased their bids, so as to cover all such contingencies and other contingencies.

By the act of Assembly the Commissioners are restricted in letting contracts, to the amount of funds which may have been received from the sales of the lands granted to the State for this improvement, though it may require several years to finish the jobs let out, and although other moneys may be expected to be received from year to year until the lands sold are entirely paid for. The amount of funds in Bank at the date of letting the above contract was \$135,292.44, and in the hands of the Receiver at Courtland, about 10,000 dollars, of which scarcely 5,000 can be expended for improving the channel of the river below Florence in the next two years. Now it must be apparent that this work, so highly necessary to the prosperity of all North Alabama, will move sluggishly on through many succeeding years, unless the Commissioners shall be invested with some sort of discretionary powers to place under contract other parts of the improvement, though the full amount contracted to be let and may not at the time have been received; and it must be equally apparent, that during the performance of contracts the largest portion of the fund will remain on deposit, unproductive and unemployed, which will be from one to three years, and the obvious dictates of good policy require the funds to be so disposed of in the meantime, that they will be either available or increasing.

To this end the Commissioners respectfully submit to the consideration of the General Assembly the propriety of passing such an act, as in their wisdom may be deemed expedient to promote the object of the grant, without imposing additional responsibility on the State.

The Commissioners are unanimously of opinion, that with contractors of such character and respectability as can now be obtained, where the magnitude of the work is sufficient to engage their attention, much more advantageous contracts can be made for the execution of large works in two or three years, than to extend them twice or thrice that length of time; and a greater reliance can also be placed upon such as are able to undertake large operations for their faithful performance. The benefits of a vigorous prosecution of this improvement will become apparent, in the increased activity of business and the stimulus to industry which such operations invariably impart to the surrounding country. With these views, the Commissioners beg leave to suggest, for the consideration of the General Assembly, the expediency of appointing a Board of Commissioners for the management of the funds which may be received for this object; and that they be authorized to negotiate loans, on the faith of the debt for lands sold, if it can be done upon advantageous terms, or make such other disposition of the funds, and take such other measures as the public interest may require, for the more efficient application of the proceeds of the grant. And also to empower the Commissioners of the Board to make con-

tracts in anticipation of funds to be hereafter received from the purchasers of the lands, and to pledge the proceeds of those land sales to such contractors, if it should be found that advantageous contracts can be made upon these terms.

The disadvantage of the restriction imposed upon the Commissioners by act of Assembly may be illustrated in part by adverting to the circumstances under which the late contracts were made. If the contractors could have had a reasonable assurance, that other parts of the contemplated improvement would in any short time be offered, they could have obviated the most formidable contingency, viz. interruptions of the work by fresh lets, by taking other contracts on works not liable to such interruptions, on which they employ their hands, thus lessening the risk of supporting a large force without advantageous employment for them, and enabling them to make both contracts upon more favorable terms.

If the Commissioners properly appreciate the reason of restricting the letting of contracts to the amount of money in hand, it is to save the State from any responsibility beyond the proceeds of the land. It is evident, the State is bound to expend the whole proceeds to this improvement, and good faith seems to require that it should be so expended as to advance the work as far as practicable, towards its completion, and sound policy would seem to dictate that the money should be laid out in the most advantageous and safe manner. From the best information now in possession of the Commissioners, in the absence of an official statement which has been applied for, but which could not be prepared by the register in season for this report, the lands have sold for about \$570,000, of which one fourth has already been received, and about \$50,000 of the residue has been paid in advance on subsequent instalments; of the residue 1/8 will be due in March 1831, 1/8 in March 1832, 1/4 in March 1833, and the remaining fourth part in March 1834, all bearing interest at the rate of 6 per cent, per annum from the date of the sale. Of the first about 135,000 in Bank, and about \$10,000 in the hands of the receiver at Courtland, are now at the disposal of the Commissioners; and if the payments on subsequent instalments are punctually made, there will be received in 1831, about 63,000; in 1832, 63,000; 1833, 136,000; 1834, 136,000, besides the interest.

The Commissioners have no doubt that the proceeds of the first and second instalments due in 1831 and 1832, will be ample to meet all disbursements under present contracts; consequently the whole amount now in hand, will remain on deposit, unproductive and unavailable, until further disbursements shall be required on contracts hereafter to be made.

Upon the supposition that the whole of the masonry estimated by the Engineer (22,500 cubic yards) should be required on the improvements below Florence the cost will not vary materially from \$110,000. It may amount to something more, and it may not greatly exceed on half that sum; but in any event, the principal part of the present deposits must, by a strict construction of the act of Assembly, be held subject to existing contracts, leaving but a small sum to be added to next year's instalments for future contracts. According to this view of the subject, the operations, under the present act, will be nearly as follows:—In the month of March 1831, the Commissioners will ascertain what amount of the instalment due that year shall have been received, to which they may venture to add about \$25,000 of the funds now in Bank amounting in all to about \$100,000 applicable to future contracts. Then advertisements inviting proposals for this amount of work are to be published ninety days before the letting out. It is thus evident, that if a reasonable time is allowed for contractors from distant states, (if any such should be attracted by so small a quantity of work,) to return home and make the necessary preparations, it will be late in the season next year before a commencement can be made upon these new contracts which it will probably take two years more to complete. The same tardy pace must, under existing regulations, be observed in every subsequent step of these important operations, during which time the limited fund, inadequate as it is supposed to be to the full completion of this great work, will be lessened still more by the salaries of Engineers, superintendents, and other contingent expenses, all of which will be nearly as great in the disbursement of \$50,000 annually, as of \$100,000. And in the mean time, the whole country watered by the Tennessee river will suffer a protracted continuance of the aggravated embarrassment incident to the want of navigable facilities, which have hitherto so materially retarded its advancement and prosperity. By a report of commissioners appointed jointly by the State of Alabama and Tennessee, in 1826 it appears that the loss sustained by the country watered by the Tennessee river, for the want of the projected improvements is estimated at nearly 700,000 dollars annually, consisting chiefly in the increased price on the freight of foreign articles and the diminished value of cotton and other productions for export. A simple example will serve to illustrate this conclusion. This section of country, containing upwards of 300,000 inhabitants, is supplied with the article of salt, principally from the works on the Holston river for which they pay the average price of \$1.35 per bushel to 50 lbs. Salt of a superior quality can now be delivered, at the head of steamboat navigation on the Tennessee river, for about half that sum, (say 70 cents.

It is estimated, if the river were improved through the Muscle Shoals, the price on the navigable head waters would not probably exceed 85 cents, and in the counties of this State above the Shoals, 75 cents. Here is an article of indispensable necessity both to the rich and poor, and the aggregate saving, on 100,000 bushels, the supposed consumption, would amount to more than 50,000 dollars annually. If so much can be said upon this kind of item, not exceeding 17 cts. to each inhabitant, is it unreasonable to estimate the saving on the whole expenditure of the country at the above large amount? As to the exports, it is known to every intelligent person, in the least conversant with the ordinary transactions of this part of Alabama, that cotton, the principal export, on account of being detained, often times until the spring and summer, for want of water to pass the shoals, is not worth so much by one or two cents per pound as at Nashville or Florence. Supposing the quantity thus detained to be 40,000 bales annually, and the diminished value for want of navigable facilities, one cent per pound, the loss on this article will amount to 160,000 dollars, which falls exclusively on the planters of N. Alabama. With such drawbacks upon the productive industry of the country, is it extraordinary that the inhabitants should be disappointed and embarrassed, and that real property should be on the decline?

By a vigorous prosecution of this improvement, real estate would advance, the prospects of the country brighten, new sources of wealth in the mineral and agricultural productions of this extensive region would be opened, manufactures would be established, and the productive industry of the inhabitants greatly increased. Indeed, nothing could contribute so essentially to the permanent prosperity of the country, and nothing could more effectually attract the citizens to their homes, as the vigorous prosecution of this grand improvement. Its successful accomplishment would become their pride and their boast, as well as the foundation of their happiness and prosperity. It would reconcile them to their situation, and tend to dissipate the strong proclivities manifested by many of the worthiest citizens, of removing to some new country, some unknown Eldorado in search of that return for their labor, which they have failed to obtain here. Animated with these feelings, the commissioners cannot doubt the hearty co-operation of the Legislature in any measure which will in the least facilitate this noble enterprise; and they do not hesitate to represent, that the united vote of the people of N. Alabama is decidedly in favor of an energetic prosecution of this improvement. If however, the Legislature should deem it improper to extend the powers of this Board so as to permit them to make contracts and judge the sales of the lands for the payment of the work, or to appoint commissioners to manage the fund as they have suggested, they would then submit to your honorable body whether it would not be proper that the Bank, having the use of such a large sum of money, which as the law now stands, must remain on deposit for a great length of time, should not pay interest, or the use of it, say, at the rate of five per cent per annum, as the Bank, from the deposits being permanent, may loan it with perfect safety. This would seem to be the more necessary, as the act of Assembly offers a premium to the purchasers of land, to pay promptly, which by the construction put upon the law, will amount to a deduction of about 14 per cent per annum, if the land remains unproductive. This high bounty will no doubt induce most of the purchasers of high priced lands to pay in advance long before the last instalment falls due, and in this way greatly diminish the amount of the fund if it be suffered to be idle. The Commissioners believe that Banks in the eastern Atlantic cities, where the use of money is at a lower rate than in Alabama, always pay interest, at some stipulated rate, on the deposits of Canal Commissioners, when they are equally permanent with these.

By the act of Assembly providing for the sale of the land, granted to the State, certain lands near the contemplated line of improvement on the north bank of the river were reserved from sale, on the supposition that the timber and rock might be wanted for the construction of the works. The commissioners have understood that in many instances, depredations to a great extent have been committed on timber upon those lands, and they respectfully suggest to your honorable body, the propriety of passing an act to prevent the destruction of timber and removal of the rock, and to authorize an agent to lease all those tracts which are now in cultivation.

At the outset the Commissioners experienced some embarrassment for want of authority to draw funds for contingent expenses. The act declares that money shall be drawn on an account stated for services rendered, to be approved by the Board. In the prosecution of this improvement it will often become necessary for the acting Commissioners or Engineer to procure many small articles, employ day laborers, and expend petty sums in various ways. Also it may become expedient to appoint one or more agents to perform certain duties and incur expenses and the Board will probably require one or more sets of mathematical instruments, for all which purposes the Commissioners respectfully suggest to your honorable bodies, the passage of an act authorizing the Board to draw, from time to time, such amount for contingent expenses, as may become necessary, and placed at the disposal of the acting Commissioner, Engineer, or Agent, who shall be required to account therefor to the Board.

In conclusion the Commissioners further report, that they have drawn from the fund placed at their disposal, the sum of two thousand six hundred and thirty five dollars and ten cents, as appears by the statement hereto appended marked D. All of which is respectfully submitted.

NHIEL DAVIS, JNO. CRAIG,
WM. I. ADAIR, J. LANE,
J. J. ORMOND,

FLORENCE, Oct. 28, 1830.

Ordered, that said report together with the accompanying documents lie on the table, and that five hundred copies thereof be printed for the use of this House.

On motion of Mr Mobley, *Resolved*, that the doorkeeper of this House be, and he is hereby, authorized to procure stationery and fuel for the use of this body, and also an additional number of chairs that may be necessary.

Mr Acklen presented the petition of sundry inhabitants of Madison and Jackson counties, praying the passage of a law to authorize David Cobb, Bryant Cobb, and Williamson W. Cobb, to put in order, and keep up a mill dam, on Paint Rock River; which was read. Mr Stephens moved that the petition lie on the table, which was carried.

Mr Gayle presented the petition of sundry inhabitants of Greene county, praying the repeal of a law to open a certain road therein mentioned; which was read and referred to the committee on roads, bridges and ferries to consider and report thereon.

Mr Musgrove offered the following resolution: *Resolved*, that a select committee be appointed to inquire into the expediency of extending the civil and criminal jurisdiction of this State over all the Indian Territory within the chartered limits of the same, according to the geographical boundaries, and lay off the said territory into counties, or attach it to some of the contiguous counties already formed, with leave to report by bill or otherwise. Mr Clark moved to amend the resolution by striking out the word "select" with a view to insert the word "judiciary," which was lost. The resolution was then adopted; whereupon, Messrs Musgrove, Hudson, Taylor, Gayle and Gilbreath were appointed said committee.

Mr Cowwood offered the following as one of the rules for the government of this House: "All standing and select committees shall report to the House upon all subjects referred to them, within three days from the reference," which, according to a rule of the House, lies on the table one day.

Mr Massey obtained leave to introduce a bill to be entitled an act to extend the jurisdiction of the State of Alabama over the Cherokee nation of Indians lying within the chartered limits of the same, according to the geographical boundaries, and for other purposes; which was read a first time and ordered to a second reading to morrow.

Mr Lea presented the petition of Nathaniel Clark, of Perry county, praying the alteration of a certain name therein mentioned, which was read and referred to a select committee, consisting of Messrs Lea, Young and King of Perry.

Mr Hodges, a Representative from the county of Lawrence, appeared, was qualified, and took his seat.

An annual communication was received from the Governor by James I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT, TUSCALOOSA, Nov. 16, 1830.

To the Hon. the Senate and House of Representatives:

FELLOW CITIZENS: I meet the Representatives of the people in the discharge of those constitutional duties connected with the responsible station I occupy, with sincere congratulations, and I feel assured of their most cordial union in the grateful recollection of the cause which we have, as a *people*, for the renewed homage of our grateful acknowledgements to the great Disposer of human events.

In casting our eyes over our section of Territory, we find the closing year marked by almost universal health, and each citizen in the enjoyment of all the necessities

and comforts of life; and although we have experienced the effects of a severe drought in common with our fellow citizens elsewhere, which most greatly reduce our agricultural prospects; yet, we are consoled by the cheering prospect that the labors of the husbandman will be amply rewarded by the advanced price in the staple commodity of the country. In a more extensive survey, and one dear to the hearts of freemen, we find *our common country*, in her civil and political relations, in the full enjoyment of peace and security without and tranquillity within her limits; and that in common with ourselves, the hand of a beneficent Providence is seen amply providing the means of enjoying happiness for all.

Permit me to assure the Representatives of the people, that this meeting with the Legislative body, brings irresistibly to my mind many of the most delicate associations; and not the least among them, the recollection of that extended gratitude for which I feel myself indebted to my fellow-citizens, for the liberality with which for so many years I have been honored with their public confidence, and the opportunity now given to exhibit a zeal in guarding the public welfare, corresponding in some degree with the first and strongest wishes of my heart.

While I find myself instructed by the constitution, that I fill a co-ordinate branch of the same important and responsible trust with yourselves, I may be permitted to congratulate you again, that the land-marks established by that instrument, are plain and distinct, and that whilst acting under it in the political affairs of the people, in guarding and protecting their rights by wholesome laws, we shall mutually feel that reciprocal confidence and honorable intent consistent with our stations, and which is found ultimately to secure the best interests of our constituents. In that instrument the great principles of liberty and the legitimate means for its preservation are recognized and established; the line distinctly drawn between the three great departments of government, and the powers of each designated, whilst the voice of every sentence is a loud call on each department to labor with *fidelity* for the *public good*.

The framing of laws for the protection of persons and property and the advancement of the general welfare, is a task especially delegated to the Legislative body; and I am proud to say, that I feel the strongest confidence, gentlemen, from some considerable knowledge of the talents and worth found in your present Assembly, that the character of our institutions, and ultimately of our section of the Union will derive, from your joint labors, an impulse worthy to be recollected with public gratitude.

To the geographical advantages of our section of the Union we may look with high gratification, and anticipate justly the moment when a happy combination of events will unfold the natural advantages of our State, so highly calculated to promote the prosperity of our citizens. May we not hope, gentlemen, from joint labors, honestly directed to the glorious ends to promote equally the blessings of intelligence and sound moral habits among the people, and to disperse the agreeable truth so flattering to our patriotism, that our State will be no less distinguished for the liberal and enlightened policy of its councils?

In redeeming the pledge I have given by accepting the call of the people to fill the post of Chief Magistrate, and to watch over the public welfare, I feel myself irresistibly drawn to solicit the attention of the Representatives of the public interest, as far as their legitimate powers extend, to the great work of the *diffusion of knowledge among the people*. Always reminded of the pillars on which rest the fabric of civil liberty, viz. the *intelligence and virtue found in the body of the people*, it becomes a sacred duty, in those who are called to provide for the general welfare, to guard those points with a holy zeal. Where all legitimate authority emanates from the citizens, as in our happy form of government, we should tremble at even the anticipation of the unnatural union of ignorance and civil liberty: and when, gentlemen, we add that it is the sentence of the people that is final, not only on our labors, but on all the civil regulations of the State, the importance of education and intelligence is completely and unequivocally developed. For the body of the citizens to exercise that happy control over the acts of their public servants, deemed one of the most important features in our political system, they must be capable of appreciating not only their privileges, but their rights and duties: otherwise anarchy on the

one hand, and a fearful invasion and destruction of public liberty on the other, would inevitably ensue.

The people must be competent to judge between an invasion of their liberties and the salutary restraints of order and law, or the first is but of ephemeral existence. To those illustrious men whose names are rendered as immortal as the annals of their country, so important was the light in which the *diffusion of knowledge amongst the body of the citizens* was viewed, that the compact between the original States and Territories will stand as a monument no less of their patriotic virtues, than of their enlarged views of sound policy—"religion, morality, and knowledge being necessary to good government and the happiness of mankind."

The course of the General Government has substantially proven, that those illustrious men were as sincere in their professions as profound in their policy. It remains for us, gentlemen, to give full effect to those noble determinations of the General Government, by the zealous discharge of those duties left for us on this important branch of legislation: and here, gentlemen, permit me to offer you my sincere congratulations, on the flattering progress and the general state of our literary institutions.—To the benevolent and patriotic mind, it cannot be otherwise than exhilarating to see the rapid advancement of seminaries for sound and enlarged education, spreading over our country: excellent schools suited to every capacity, and means increasing daily, strongly evidencing that the fact is already impressed upon the mind, that the *increase of knowledge is the best security for sound public morality*.

In addition to this view, so gratifying, permit me to express my most agreeable anticipations, of the great advantages we may hope to derive from our State University, to the early commencement of the operations of which we look with great solicitude, the edifices being now nearly completed, in a style, though not extravagant, yet altogether elegant, tasty and useful: the original plans and workmanship evincing the superintendence of architectural skill of the first order. Possessing, as this institution does, the most valuable endowments, and as it justly should, so great a share of the kind feelings and affections of our citizens of the State, it has created new claims to that affection and confidence of a character equally elevated, and in strict unison with the genius of other institutions, by the liberal spirit it has evinced to extend the benefits of education to even the humblest of our citizens in regard to pecuniary means. By the report of a committee of the Trustees of the University upon that subject, a copy of which it is made my duty as President herewith to present, it will be seen with what benevolent feelings and enlarged views, pointing to the improvement of the destinies of our fellow-creatures, they are impressed, when they propose to educate, free of charge, a certain number of the youth of each county, according to its population, whose circumstances in life would otherwise, perhaps, forever exclude them from the light of knowledge, and circumscribe their usefulness by a sphere comparatively limited.

To the *principles* contained in that report, permit me to invite your attention, with the earnestness and zeal which their magnitude and consonance with republican principles, seem at once to claim and to justify. The adoption of such a plan will at least lend great facilities, if it does not, indeed, furnish the only effectual means, for realizing that splendid destiny of the institution which already exists in the hopes of its friends; and will make it, to adopt the language of the report, "what its name emphatically imports, the University of Alabama." It would also effectuate these liberal and enlarged views of the General Government, which its endowment was intended to subserve, by calling into active usefulness those intellectual resources of the country, which otherwise might have remained undeveloped, and giving to the poor, by an equal diffusion of the blessings of education, at once the intelligence necessary to appreciate their rights, and the power and voice to vindicate them in the councils of the nation.

While occupied in a deliberate survey of the many important interests of the State, and solicitous to give efficiency to such a course of legislation as will secure their present enjoyment and future permanency, it becomes us, as practical men, to look with an inquiring eye to those channels, through which the benefits of every law, how wise soever in its design, or politic in its tendency, must be eventually transmitted to the citizens at large. It is in vain that patriotism may guide our councils, or wisdom

preside over our public acts, if any radical defects exist in the mode of administering the laws. And, perhaps, experience will justify the opinion, that from an injudicious organization of the courts of justice, results will sometimes be produced, apparently under the sanction of law, which both the spirit and letter of the law were designed emphatically to forbid. But the certainty of justice is not more important than its speedy attainment. That government would justly be looked upon as tyrannical, which should deny its remedial interference to even its humblest subject, when his rights were illegally invaded or withheld. But to protract these remedies, and make them consequent upon a long and precarious course of litigation, is in effect a denial of justice to those, whose pecuniary means, or pacific temper, may unfit them for the exigencies of such an enterprise. It is respectfully submitted to your sound discretion, whether the advantages expected to flow from a vigorous and speedy administration of justice, are secured to the people by the present structure of our courts; and whether that period indirectly adverted to by the constitution, has not in fact arrived? When it becomes our duty to lend to the administration of the laws, those ample facilities which in the opinion of many, would spring from the establishment of a separate Supreme Court, or a separate court having chancery jurisdiction.

In the event that a separate Supreme Court, or a separate Court of Chancery shall be established, it will be a subject well worthy your deliberation, whether, as the labors of the Circuit Judges will be much reduced, and moderated by this measure, it will not comport with the strict principles of justice, propriety, and economy, to modify that article in our constitution which restricts the Legislative power as to the number of counties with which to constitute a judicial circuit. I am clearly of opinion, if the arrangement to which I have referred shall be adopted, that the withdrawal of such an amount of labor and judicial investigation from the circuit court system, will fairly justify an enlargement of the circuits beyond the number of six counties to which at present their power is limited, and a curtailment of the number of circuit Judges. I cannot but believe the General Assembly may be safely entrusted with a discretion on the subject. Unless this view shall receive the sanction of the General Assembly, it is obvious, that as soon as legislation shall be extended over the country recently acquired, under the treaties made with the Chickasaw and Choctaw Indians, the number of our judicial circuits must be increased, and the expense of additional salaries for Judges incurred, without a corresponding increase of labor or judicial investigation being required at their hands.

In connexion with other means calculated to advance the prosperity and general welfare of the community, I have thought it my duty to bring to your notice our criminal code, and submit to the wisdom of the Legislature, whether the great objects of punishment will not be better attained by the establishment of a Penitentiary system.

I find our attention has been most clearly pointed to this interesting topic by the 19th Sec. of the 6th Art. under the head of general provisions in our constitution.—“It shall be the duty of the General Assembly, as soon as circumstances will permit, to form a penal code founded on principles of reformation, and not of vindictive justice.” Again, in Sec. 16, Art. 1, the declaration of rights—“excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted.” In the like liberal spirit, the federal compact points emphatically to the protection of the personal rights of the citizen, as one of its prominent objects;—thus we find it forbidding the passage of bills of attainder, the suspension of the writ of habeas corpus, the exaction of unreasonable fines, and the infliction of cruel and unusual punishments. These, gentlemen, we should receive as powerful admonitions to us, and great incentives in this work of humanity. Our criminal jurisprudence inflicts alike the punishment of death for the crime of forgery, however small and inconsiderable the amount involved, and *murder*, a crime of the highest magnitude known to the laws of civil society: thus by assigning to the minor shades of crime the punishment which is due only to the more aggravated cases, it furnishes cause of frequent impunity, where no doubt remains of the imputed guilt of the offender: for when the punishment bears no natural relation to the crime, the sense of its atrocity sometimes draws forth a sympathy for the culprit or offender, who seems to fall a victim, rather

at the altar of revenge, than at the shrine of his country's good. And it seems now to be admitted by the wisest and greatest jurists, that the frequent occurrence of sanguinary punishments does not possess that efficacy in preventing an infraction of the laws, which induced their enactment: the grand object of punishment being to uphold the authority of the laws, and to prevent crimes by an appeal to the fears of men. If, in addition to the attainment of this desirable object, reformation can be annexed to the scheme, and the force of example made to operate on the offender himself, as well as to exert its influence upon society, so much the nearer have we approached to perfection. Believing as I do, that these great ends are more likely to be attained by the scheme of punishing crimes recognized by the penitentiary system, I have thought it my duty to recommend it to your favorable consideration.

In the exhibit which will shortly be presented of the operations of the State Bank during the past year, are contained the most indubitable evidences of its healthy and prosperous condition. It is a subject of proud felicitation to the people of our State, that while it has lent great facilities to commercial transactions, and obviated many cases of individual distress, its own credit, as an institution, is becoming daily more firmly established, and its additions to the revenue more considerable. Nothing would seem wanting in future to ensure its complete success, and to prevent a recurrence of those embarrassments with which it has been occasionally threatened, save a continuation of that wise and cautious direction of its affairs, and a supply of those aids which the confidence and affection of the people alone can give. Viewing it as an institution designed alike for the security and augmentation of the revenue, and for the accommodation of our citizens at large, without regard to sectional considerations, and believing that an impartial and more extensive diffusion of its benefits, while required by justice, would do much towards fortifying the favorable sentiments of the people, I feel imperiously bound to press upon the attention of the Legislature, the policy of establishing a Branch of our State Bank, or an Office of Discount and Deposit, in the southern section of the State, and also in that portion of country known as the Tennessee Valley. Whether such a dispersion of its funds, under prudent management, is not essential to the fulfilment of the designs entertained at its erection; and whether it be not, in some degree, connected with its security, are questions which seem scarcely to admit of a negative. From causes necessarily growing out of its restrictions to a single point, large districts of country, justly elevated to the scale of commercial importance, from the fertility of the soil and the industrious and enterprising habits of their citizens, may be emphatically said to be destitute of bank accommodation. The remoteness from the directory, frequently places it beyond their power to furnish those credentials of solvency and fair standing, which would be required by men executing that responsible trust; and all other difficulties removed, the expenses incident to an acquisition of its favors, are so onerous, as to detract greatly from, nay, totally destroy the value of the benefit. Hence our people in sections of the State not very remote, have been compelled to look to other sources of relief for their pressing wants: and have been made, however unwillingly, to contribute their aid to increase the funds and fortify the power of other and rival institutions, instead of our State Bank, for the public good. The profits thus paid by our citizens does not pass into our State Bank, which would finally result to the advantage of the people of the State; but into the coffers of stockholders of a banking establishment, a large portion of whom are citizens of foreign governments, and who cannot be presumed to cherish any farther regard for our country or its institutions, than the pecuniary advantages those individuals may be able to derive from their existence.

The Bank of the State of Alabama, justly the favorite institution of its citizens, is founded on capital stock purely the property of the people. Its concerns have been ably managed by citizens residing in the vicinity of its location, without compensation, and with that scrupulous fidelity which entitles the institution to public confidence. The reports made by joint committees at each session of the General Assembly, after the most rigorous investigation of its banking operations, prove most decisively the fidelity, industry, and capacity with which those operations are conducted. In accordance with the provisions of the act entitled, an act to increase the capital of the Bank of the State of Alabama, passed in 1828, authorizing one hundred

thousand dollars of State stock to be disposed of, and the proceeds to be added to the capital stock of the Bank, I have the satisfaction to inform the Legislative body, that the sum has been obtained from the Phoenix Bank of New York, without incurring the expense of an agency, and which sum, by the arrangements entered into, is made payable to the drafts of the cashier of the Bank of the State of Alabama, and consequently will command in favor of our institution a *fair banking premium*. I feel it but an act of justice to acknowledge the agency of the President of our State Bank, the Comptroller, and State Treasurer, in this economical arrangement, so highly favorable to our State institution, and through whose agency the transaction has been principally negotiated.

While in the discharge of Executive duties, and calling the attention of the Legislative body to such portion of our political affairs as more immediately relate to the public welfare, I find myself compelled to point the attention of your body to the propriety of instructing the Representatives of our State in the Congress of the United States, to oppose the renewal of the present charter of the Bank of the United States; or if renewed, to call most determinedly for such restrictions as will prevent the establishment of branches in any State without the consent of such State. That this mammoth institution has long been a just subject of alarm to a portion of our best informed and patriotic citizens, remains not *now* questionable. Cherished, fattened, and its powers enlarged by the constant deposit of all the revenue of the United States, the possession annually of more than twenty millions of dollars added to the capital of this institution, with its branches or arms extended over and through every State in the Union, must give a power under certain directions, over our State institutions, not only unfriendly to their healthy existence, but our State sovereignty itself. Of its capacity for crippling, nay, for crushing our State institutions of a similar kind, we have had sufficient proof. Whatever may be its imposing claims of a beneficial kind, not only its branches, but the parent bank, have fully exhibited to the country that it possesses every quality of similar monied institutions, with a power far beyond any, or, indeed, all of them, of doing evil. That this institution gives directly an immense power of patronage to the Government of the United States, and even to individuals high in office in that Government, cannot be questioned. That this patronage and power is of a kind that may be readily and effectually directed in a manner hostile to our State sovereignty, and made subservient to an accumulation of power never intended to be given or exercised, is equally evident. "Give us patronage and we will get power," was a reply that political discretion and that holy jealousy, with which the citizens of a republic ought forever to regard the movements of even legitimate power, and ought to record as a land-mark to guide them in their political course. Add money to patronage, and such is the state of human affairs, that the power and success of the latter becomes effectual. Whilst we make the acknowledgement with regret, it would be worse than ignorance to shut our eyes to the sheer truth: let us then be admonished by the example of other nations who have gone before us, and arrest the evil before it is overwhelming. After all that can be said of this monied institution, by its warmest advocates, as necessary to our Federal Government, what is it but a tremendous machine, which takes in a vast portion of the products of the laboring classes, devouring the substance of the poor to pamper overgrown wealth; an indirect tax upon national industry, appropriated to the *pockets of idle stockholders and unproductive capitalists*. It is a matter of historical record, that at the birth of this institution, and at its resuscitation, it had to encounter the marked opposition of many of the first patriots and sages of our country; and the very objections, as far as I have been able to learn, that were urged by those solid politicians, with an almost prophetic spirit, have since been *but too fully realized*; the visionary nature of which were loudly urged by the warm advocates of the bank.

I cannot close this communication on the subject of our banking institutions, without again adverting to the circumstance of the performance of the duties of the Directors of the State Bank, without compensation. In the infancy of the Bank, it was doubtless prudent not to burthen it with an expensive administration; and in its greatest prosperity it is not intended to intimate that a rigid economy should not prevail. The public, however, ought not to wish the services of a body of its citi-

zens, to be rendered for a series of years, without compensation. The Bank is now in a condition to pay for its administration out of its profits; the propriety of providing a mere nominal compensation, sufficient only to indemnify for the actual expense incurred whilst engaged in the performance of directory duties, is respectfully submitted to your consideration.

It is, perhaps, proper, and due to the gentlemen who compose the directory, that I should state, I am not aware that in this particular I have anticipated the wishes of any gentleman, and have no doubt their unbending patriotism will still prompt them to the ready and faithful discharge of those duties, without regard to personal sacrifice.

It affords a subject of public congratulation, that the commencement of that great national work, the Muscle Shoals Canal, is about to take place under the most favorable auspices. Contracts for the entire completion of the work within two years, from Florence to Waterloo, where the lowest obstruction is found, have been closed on terms more favorable than the most sanguine expectation authorized us to anticipate. A sufficient assurance is given, that the contractors are of respectable standing, practical skill, undoubted solvency, experience and energy. The amount to be expended by these contracts comes within the estimate of the Engineers of the United States; whose report upon this interesting topic, I herewith transmit. We feel justified in anticipating the like favorable results, as regards the operations above Florence, and consequently in cherishing the sanguine calculation, that all the highly important advantages contemplated by this great work of Internal Improvement, involving the commercial interest of at least six sister States of this Union, will be ultimately realized, and the great objects finally consummated.

I feel fully aware that the proposed Canal connecting the waters of the Alabama river with those of the Tennessee, will claim a due proportion of your Legislative deliberations. It is upon great national objects of Internal Improvement, judiciously selected, and partaking truly of national character, the benefits of which are to be widely diffused, and not *circumscribed to a limited sphere* of operations, that we have a right to anticipate the fostering hand of the General Government in contributing their aid in consummating them.

I have been recently advised by a communication addressed to the Executive Department, from the commissioners appointed by the act of last session, entitled "an act appointing commissioners to mark out a road through that part of Pike county now occupied by the Creek Indians, and for other purposes," that the commissioners, while attempting a fulfilment of the objects of that law, were compelled to desist from a further prosecution of the work, by a large body of armed Indians. Although regarding this act of resistance to a power legally delegated, in the only light in which it could be viewed, as an outrage without pretext or palliation, impugning alike the dignity and authority of the State, yet the delicate relation subsisting between us and the actors in this lawless proceeding, the feelings of mutual jealousy and exasperation of which it has been a too fruitful source, and still more, a regard for that domestic quiet which is best preserved by a peaceable execution of the laws when practicable, furnish strong and to my mind not unworthy reasons, for withholding for a time the direct application of that physical force of which the Executive has been made the constitutional depository. To minds unimproved, and rendered unduly sensitive to injury from questions arising out of their local situation, it might be difficult to separate the idea of oppression from the lawful and prudent execution of the powers of government in a mode that to them was unusual. And although the employment of force may, under particular exigencies, become indispensable in securing the great objects of social life, yet it is to be regretted, and always involves in some degree a mortifying confession of the inadequacy of those moral powers and pacific maxims, in the due cultivation of which alone government can expect to lay the foundation of its solid strength and permanent glory.

It is but a just expositor, however, of the motives by which I was actuated in declining an immediate interference, to say, that had this violation of our laws occurred at a period when a ready appeal could not have been made to a co-ordinate branch of the government, no consideration of policy of this character, how ready soever to obtrude itself, would have weakened the sense of obligation, which claimed from me the discharge of a conscientious duty. The stern and unbending execution of

the laws when confided to a public functionary, has ever been esteemed by me a duty of too responsible a character, to find any obstacle in a speculative opinion of the policy of the country; if it were possible that an injury of any serious extent or long duration could result from its neglect. But hopes were entertained from the early period at which your honorable body would assemble, after the receipt of the information before alluded to, that your wisdom might provide some means of obviating the evil complained of, and render unnecessary any act which the most fastidious might deem equivocal or objectionable; and that your aid would be furnished to sustain the authority of the laws without violating, or seeming to violate, those engagements of humanity which appertain to all whom the chances of fortune have placed in our power. As a means of removing any future inducement or pretext for opposition to those laws, the policy of which cannot, in the growing condition of our country, be abandoned without a corresponding abandonment of its best interest, I submit to the wisdom of the General Assembly, whether a regard to self preservation on the one hand, and to justice and humanity on the other, does not recommend such a course of legislation towards the Indians, included within the chartered limits of our State, as would subject them to the same civil duties with the rest of our citizens, and place them on the same level with regard to rights and privileges; in other words, as would extend to them the character and appellation of citizens, with all their train of immunities and obligations. Simple justice would seem to dictate, that they should not be exempt from contributing their fair quota of labor, or other means, to the accomplishment of those necessary works in the benefits of which they participate equally with us. Besides, as the violations of law under such a state of legislation, if at all occurring, would most probably be repressed in the punishment of *individual* delinquencies, the arm of state authority would only be seen as it employed the ordinary engines of remedial justice, and all recourse might be rendered unnecessary to those more violent means, which, in the pursuit of the best ends, could hardly fail to alarm the too jealous fears of our red brethren, and to disturb the quiet and repose of our own citizens.

As a subject not only important in itself, but closely connected with the legislation of the country, I feel it my duty to bring to your notice the present unfinished and exposed state of our State Capitol. For nearly twelve months past, this work, the pride of our State, the admiration of strangers, and susceptible of being made an enduring monument of scientific skill of its projector, and of the public spirit of his patrons, has undergone a total suspension. On its present condition it is unnecessary to dilate: that is visible to the eyes of all. It is respectfully submitted to your impartial judgement, whether it would not be advisable to prosecute the work to completion, in the like liberal spirit with which it was commenced: or should an expenditure of this amount be deemed by your honorable body incompatible with the present pecuniary resources of the country, whether a proper regard to the strict principles of economy, in the prospective completion, does not imperiously recommend such improvements as may be necessary to arrest the inevitable dilapidation of time. A small, very small, appropriation for that purpose, and such as could not in any manner embarrass the financial operations of the State, or add a perceptible weight to the burthens of the people, (against which it will be your duty carefully to guard,) might still be most beneficially felt as auxiliary to an accomplishment of those designs, from which so much convenience has resulted to our public officers, and so much honor to the State.

It will be recollected that Congress will, at the ensuing session, act upon the late census, in establishing the ratio by which the representation of the different states will be regulated for the ensuing term of ten years. I would submit to the wisdom of the General Assembly the propriety of adopting a prospective arrangement in relation to the formation of the new congressional districts, in anticipation of the new ratio to be established under this census, by which means, the necessity of having an extra or called session of the General Assembly may be precluded.

In pursuance of a resolution of the House of Representatives, adopted at the last session of the General Assembly, I severally addressed the Executives of all the States, in which the Penitentiary system has been adopted, requesting such practical hints on the subject of Penitentiaries, or houses of correction, as their operation

within the states over which they presided, might enable them to impart, particularly in reference to the following heads : 1, Their construction and government 2. What desirable modifications of the criminal laws have they been the means of introducing, or rendering practicable? 3, Has their effect upon the revenue of the country been beneficial or otherwise? 4, How far have they tended to diminish the amount of crime, and what influence have they exerted on the morals of the community at large?

In reply to this address I have much satisfaction in communicating to you, that I have received prompt replies from the Chief Magistrates of the States of New-York, Pennsylvania, Connecticut, Maine, &c. in which this system has been put in operation, accompanied by sundry important public documents, furnishing a mass of information, having a direct application to this important subject, which doubtless will be viewed as imparting a noble light, to conduct your deliberations to the best results. These documents have been transmitted to the House of Representatives, they being too voluminous to be copied. Also sundry public documents received from the Executives of several States, among which will be found certain resolutions proposing amendments to the constitution of the United States, as relates to the mode of electing the President and Vice President. Resolutions in support of, and in opposition to the Profits, imposed by Congress, &c. And here I may be permitted to say, with great diffidence, that whilst I feel as sorely impressed as most men, that this measure, which has so generally filled the citizens of the south with alarm and dismay, is oppressive, partial, and unjust in its operation, and that its modification is to be sought by every constitutional means. Yet I would submit to the wisdom of your honorable body, whether this be a propitious moment for the councils of Alabama, to adopt measures calculated to add to the state of excitement which already exists upon this subject; and whether the crisis does not rather call for a temperate, though firm and decisive appeal to the justice and magnanimity of the General Government, for a further relaxation in the operation of this odious and impolitic system. And here, gentlemen, permit me to suggest, that it may not be improper that legislative guards should be interposed to alleviate the suffering imposed by this ungenerous and unkind policy, by recommending to our citizens the adoption of a system of domestic industry, the beneficial effects of which cannot fail speedily to develop themselves, under the mild influence of our climate, and with the aid of a soil so infinitely diversified, as to be friendly to every agricultural pursuit, and to the production of almost every raw material. Recent experiments have evinced demonstratively, the adaptation of the southern sections of our State, to the culture of sugar, and of the north as well as the south to the growth of the vine. And, it is believed, from the concurrence of many favorable causes, that the industry of a portion of our citizens admits of an advantageous diversion to the raising of silk and wool. Nor would the advantages of thus exploring new channels of industry, be confined to such as might chance, from their experience or enterprise, to be engaged in them. The ulterior effects of judiciously diversifying the objects of labor, I am persuaded, would be most sensibly and beneficially felt by the growers of the great southern staple, from the subtraction of so much industry from a pursuit already in some degree trammelled and paralyzed by too great competition.

Whilst we acknowledge the liberality of the General Government, and the advantages afforded to a portion of our citizens by its course of legislation at the last session of Congress, with respect to the public lands, we cannot but regret that the law should have been limited to so short a period with regard to occupants, and that so far as it was designed for the relief of purchasers, any cause should exist to charge it with a partial operation. If (as all must admit) the lands which were sold for more than fourteen dollars per acre, were sold for a price greatly above their value, it is equally true, that the poorer lands selling at a less price, did, under the same excitement, command from the purchaser, as much above their true value as the rich lands; and it is believed that the liberal spirit in which the Government acted in giving a patent to purchasers, for what had already been paid on high priced lands, should be invoked in behalf of the poorer classes of our citizens, who have paid equally high in proportion for poorer lands. It is also with profound regret, that the citizens of our section of the Union, have beheld the failure of the bill to

graduate the price of public lands, &c. So flagrantly apparent must be this measure, connected with the prosperity of the citizens of this section of the Union, so absolutely necessary for the public welfare, and so equally a sound policy in the General Government, that I cannot avoid suggesting to the legislative body, the propriety of an energetic appeal to the Government of the Union on this important subject. If the solid wealth and strength of a nation consist, not in acres of land in the public domain, nor dollars in its coffers, but in the prosperity, happiness, and independence of a brave, high minded and patriotic yeomanry, then I must hope the wisdom of the General Government will sooner or later listen to the representatives of the people on this important topic.

It would require a suppression of feeling of which I find myself totally incapable, to omit congratulating the legislative body on the late triumph of *liberal principles and the rights of man*, in a nation to whose welfare the American people can never become indifferent. To the world that nation has now presented a sublime moral spectacle, as unexpected as it is grand; and it is no improper recollection for a just national pride, that the immortal founders of our republic gave the first impetus to political principles, and a theory of government founded on the sacred and imperishable rights of man, that must sooner or later prevail over the degrading and unjust monarchies and despotisms of the globe; nor can we restrain the most delicate sensations of national sensibility, on a recollection of the great and good man who has borne such a conspicuous part in the regeneration of France. "The nation's guest" has fairly redeemed the pledges given through a long and meritorious life, of his sacred devotion to *liberal principles and the rights of man*; and it is with national delight we behold the Patriarch of La Grange, the adopted son of Columbia, the father of his country, the companion and friend of Washington, pass on through the evening of his eventful days, surrounded with a halo of virtue and glory.

The Honorable Lewis Marshall having resigned the appointment of Judge of the County Court of Dickens, that vacancy has been filled by the appointment of Charles M. Holland. I have received the resignations of John Elliott, and Jesse Vanhoose, Esqs. as Trustees of the University of Alabama.

Although some topics of acknowledged importance have been adverted to in a cursory manner, it is not supposed that your duties will be limited to the objects enumerated, or that the views I have felt it my duty to take, will be regarded as landmarks, from which it would be improper and indecorous to depart. Coming immediately from the body of the people, you are supposed to bring with you, to the task of legislation, an intimate knowledge of all their wants and desires, as well as a devotion to their welfare. To your wisdom I cheerfully commit the sacred deposit, knowing it will be guarded with a vigilance proportioned to its worth: and shall only add, my zealous desire and exhilarating hope, that the labors on which you are now entering, may be long felt and acknowledged, by our common country, as monuments of your wisdom, fidelity, and patriotism. GABRIEL MOORE.

Mr Taylor moved that the said communication lie on the table, and that two thousand copies thereof be printed for the use of the House; which was carried.

And then the House adjourned until to-morrow morning at 10 o'clock:

Wednesday, Nov. 17, 1830 — The House met pursuant to adjournment.

Mr Speaker laid before the House the memorial of William S. Hayes, of the county of Monroe, contesting the election of James Dillett, to a seat in this House; which was read and referred to the committee on privileges and elections, to consider and report thereon.

Agreeably to a resolution adopted on yesterday, Mr Speaker proceeded to appoint the following standing committees, to wit:

A committee on privileges and elections, consisting of messrs Harris, Mardis, Taylor, Rather, Baker, Everett, Coopwood, Brodnax and Roberts.

A committee on propositions and grievances, consisting of messrs Clark, Hudson, Barclay, Hickman, Collins, Dillahunt, Brown and Clough.

A committee on enrolled bills, consisting of messrs Acklen, Oliver, Lane, Cook, Lawler, Herbert and Riddle.

A committee on inland navigation, consisting of messrs Young, King of M. McVay, Philp, of Horton, Gilbreath, Lea and Coker.

A committee, on roads, bridges and ferries, consisting of messrs Lawler, Hodges, Jackson, Hogg, Metcalf, Murphree, Price and Langford.

A committee on ways and means, consisting of messrs Cook, Conner, Mobley, Ross, Hogan, Roberts, Williams and Rugeley.

A committee on the military, consisting of messrs Taylor, Young, King of M. Massey, Philpot, Sanders, Kilpatrick, George and Stephens.

A committee on the judiciary, consisting of messrs Dillett, Mardis, Gayle, George, Shortridge, Taylor, Cook, Lane, Acklen, Richardson and Durand.

A committee on county boundaries, consisting of messrs Brodnax, Chiles, Cunningham, Faulk, Hall, Kilpatrick, King, of P. and Walker.

A committee on education, consisting of messrs Gayle, Young, Dillett, Oliver, Harris, Moore of M. King of J. Herbert, Boyd and Durand.

A committee on accounts, consisting of messrs Mobley, Clark, Lane, Hudson, Lea, Rather, Musgrove and Townsend.

A committee on divorce and alimony, consisting of messrs Conner, Shortridge, Hickman, King of P. Brown, Hogg, Moore of M. and McCollum.

A committee on the State Bank, consisting of messrs Coopwood, King of M. Williams, Riddle, Hogan, Boyd, Dillahunty, Moore of M. and Rather.

A committee on the State Capitol, consisting of messrs George, Williams, Rugeley, Hudson, Hall, Price and Ward.

A committee on Indians, and affairs in relation to lands in possession of Indians within the chartered limits of this State, consisting of messrs Mardis, Baker, Clark, Horton, Oliver, Gayle, King of J. and Gilbreath.

A committee on lands appropriated for internal improvement, consisting of messrs Moore of M. Dillett, Sanders, Everett, Conner, McVay, Richardson and Stephens.

A committee on public printing, consisting of messrs Baker, Everett, Cunningham, Ross and Dubose.

Mr Mardis presented the petition of sundry inhabitants of Shelby county, praying the passage of a law to raise a volunteer company and clear out a road through the Creek nation; which was read and referred to the military committee, to consider and report thereon.

Mr Mardis presented the petition of sundry inhabitants of Troup county, in the State of Georgia, proposing a change contemplated in a road route from Tuscaloosa to Milledgeville, in the State of Georgia; which was read and referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr Young called up the petition, which he presented on yesterday. It was then referred to the committee on roads, bridges and ferries.

Mr Lea obtained leave to introduce a joint memorial, praying an amendment of the act of Congress granting to settlers on public lands, the right of pre-emption. Mr Sanders moved that said memorial lie on the table; which was carried.

Mr Coopwood called up the memorial and also the resolution introduced by Mr Moore of M. on that subject. They were then referred to a select committee, consisting of messrs Moore of M., Lea, Coopwood, Philpot and Gayle, to consider and report thereon.

A message was received from the the Senate by Mr Lyon: Mr Speaker—The Senate have adopted the following resolution, in which they desire your concurrence: *Resolved*, that a committee of two members be appointed to act jointly with such committee as may be appointed on the part of the House of Representatives, to procure stationary, fuel, and other necessary

articles for the present Legislature, they have appointed a committee on their part to consist of messrs Smith and Conner. Mr Mobley moved that the resolution lie on the table; which was carried.

Mr Shortridge called up the petition introduced by himself on yesterday: it was then referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr Williams presented the petition of T. A. Heard, praying the passage of a law to authorize him to erect a grist mill and other water works on the Black Warrior river, so as not to obstruct the navigation; which was read and referred to the committee on inland navigation, to consider and report thereon.

Mr Dillahunty presented the petition of sundry inhabitants of Lawrence county, praying the passage of a law to authorize David Wallis and Amos Jarmon, to build a mill on the south bank of the Tennessee river, on fractional section No. 9, township No. 3, range No. 9, west, at a place known by the Eagle Bar; which was read and referred to the committee on inland navigation, to consider and report thereon.

Mr Williams presented the petition of sundry inhabitants of Tuscaloosa and Walker counties, praying the passage of a law to authorize the overseer to require persons at the distance of seven miles, to cut out a new road; which was read and referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr Lane presented the petition of John M. Binford, praying the passage of a law to authorize the register of the land office, to sell to said Binford, a certain quarter section of land therein mentioned; which was read and referred to a select committee, consisting of messrs Lane, Acklen and Dillett, to consider and report thereon.

Mr McVay presented the memorial of John Burton of Lauderdale county, praying the passage of a law to authorize the register of the land office at Courtland, to sell to said Burton, a certain quarter section of land therein named; which was read. Mr McVay moved that it be referred to a select committee; which was lost. Mr Mobley moved that it be referred to the committee on lands appropriated for internal improvement; which was carried.

Mr McVay presented the memorial of Susanna Woods, of Lauderdale county, on the same subject; which was referred to the same committee, to consider and report thereon.

Mr Lawler presented the account of James Shelton; which was read and referred to the committee on accounts, to consider and report thereon.

Mr Lawler presented the petition of sundry inhabitants of Shelby county, praying the passage of a law to authorize Eli Taylor to trade in such articles as he may think proper, free from any tax or duty; which was read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr Hudson presented the account of the jailor of Franklin county; which was read and referred to the committee on accounts, to consider and report thereon.

Mr Durand presented the petition of sundry citizens of the city of Mobile, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr Durand presented the petition of sundry citizens of Mobile, praying the passage of a law to emancipate a certain female slave named Frances; which was read and referred to the committee on propositions and grievances.

Mr McVay presented the account of George W. Sneed, jailor of Lauderdale county; which was read and referred to the committee on accounts, to consider and report thereon.

Mr Price presented the account of Henry Norwood, sheriff of Jackson county; which was read and referred to the committee on accounts, to consider and report thereon.

Mr Gayle presented a report of the commissioners appointed to view and mark out a way for a State road from Greensborough to the city of Mobile; which was read and ordered to lie on the table.

Mr Lane presented the account of Aaron Redus, jailor of Limestone county; which was read and referred to the committee on accounts, to consider and report thereon.

Mr Young, from the select committee to which was referred the petition of Jillman K. C. Pool, reported a bill to be entitled an act to change the name and render legitimate certain persons therein named; which was read a first time and ordered to a second reading on to-morrow.

On motion of Mr Acklen: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of amending the law now in force for the punishment of the crime of forgery, with leave to report by bill or otherwise.

On motion of Mr Lane: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of abolishing imprisonment for debt, with leave to report by bill or otherwise.

Mr Lea offered the following preamble and resolutions: Whereas, the confidence which the citizens of the State of Alabama reposed in the wisdom and patriotism of Andrew Jackson, induce them to yield him their almost undivided voice for the Presidency of the United States; and whereas, his administration has been such as to justify their high expectations, and to enable them to realize all their anticipations that he would pursue such a course of policy as would advance the interest and redound to the glory of our common country; and whereas, it is believed that the General Assembly would perform an acceptable service to their constituents to recommend him to the good people of the U. States for re-election. *Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, that their confidence in the fitness of Andrew Jackson for the office of President of the United States is increased and strengthened by the republican principles he has introduced into his administration, by the measures he has recommended, and by the just and elevated views he has from time to time presented of the true policy of government. *Be it further resolved*, that in their opinion, the best interest of the Union requires his re-election, and they therefore recommend him to the other States of the Union for the office of President after his present term shall expire. Mr Coopwood offered the following amendment: *And be it further resolved*, that the very able, firm and patriotic course pursued by Andrew Jackson, President of these United States, at the last session of Congress in opposition to the passage of the Maysville road bill, and others of like character, requiring appropriations from the treasury of the United States for local objects of internal improvement, justly entitles him to the highest respect and gratitude of all friends to liberty and free government; which was carried, and the question being put, Shall the resolutions be adopted? it was determined in the affirmative. Yeas 64—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Acklen, Baker, Brown, Barclay, Boyd, Brodnax, Clark, Clough, Coker, Collins, Cook, Coopwood, Cunningham, Dubose, Dillahunty, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hor-

ton, Hudson, Jackson, Kilpatrick, King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, M'Collum, M'Vay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Richardson, Roberts, Ross, Rugeley, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward and Williams. — Those who voted in the negative are, messrs Chiles, Conner, Dillett, Hogg, King of J. Riddle, Young.

Mr Coopwood obtained leave to introduce a bill to be entitled an act to regulate the time of payment for lands sold by the State of Alabama at the land office in Courtland; which was read a first time and ordered to a second reading to-morrow.

Mr Hall obtained leave to introduce a bill to be entitled an act to repeal so much of an act of the General Assembly of the State of Alabama, passed at the session of 1827 as relates to, and provides for the building of a Poor House in the county of Autauga, and the manner of supporting the paupers of said county and for other purposes; which was read a first time and ordered to a second reading to-morrow.

Mr Shortridge obtained leave to introduce a bill to be entitled an act to abolish imprisonment for debt; which was read a first time and ordered to a second reading to-morrow.

On motion of mr Roberts: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of requiring the Governor of the State of Alabama to reside at, or near the seat of government during his continuance in office, with leave to report by bill or otherwise.

On motion of mr Musgrove: *Resolved*, that the committee on the military be instructed to inquire into the expediency of new modelling the militia laws of the State of Alabama, or such parts of the laws as may be more conducive to the better organization of the militia and infantry of this State, as to said committee may be deemed necessary, with leave to report by bill or otherwise.

On motion of mr Oliver: *Resolved*, that the committee on the State Bank inquire into the propriety of establishing a Branch of the State Bank in the town of Montgomery, or some eligible place on the waters of the Alabama river, with leave to report by bill or otherwise.

On motion of mr Hogan: *Resolved*, that the committee on roads, bridges and ferries be instructed to inquire into the expediency of amending the road law in relation to the appointment of overseers and apportioners of roads, so as to provide for filling vacancies occasioned by death, resignation or failure, to appoint at the proper term of the commissioners court, with leave to report by bill or otherwise.

The House then proceeded to the orders of the day. Bills of the following titles, to wit: an act more effectually to secure trials in capital cases by impartial jurors; and, an act to establish a distinct separate Supreme Court; were severally read a second time and referred to the judiciary committee to consider and report thereon.

The bill entitled an act to extend the jurisdiction of the State of Alabama over the Cherokee nation of Indians lying within the chartered limits of the same, according to the geographical boundaries, and for other purposes, was read a second time. Mr Coopwood moved to amend the bill by adding thereto an additional section. Mr Hudson then moved that the bill with the amendment, be referred to the committee on Indians, and affairs in relation to lands in possession of Indians within the chartered limits of the State; which was carried.

Mr Hogg called up the bill entitled an act to authorize the convening and adjourning of the General Assembly of the State of Alabama. It was then read a second time and referred to the judiciary committee to consider and report thereon.

The rule proposed on yesterday by Mr Coopwood being under consideration, Mr. Acklen moved that it be indefinitely postponed; which was carried.

Mr Clark offered the following as a rule for this government of this House. When a message is received from the Senate it shall forthwith be acted on, and if accompanied by any bill or bills which have passed that body, the same shall then receive a first reading in the House, unless a question is then under debate, which shall always be first disposed of by the House, which lies over one day agreeably to a rule of this House.

And then the House adjourned until to-morrow morning at 10 o'clock.

Thursday, Nov. 18, 1830.—The House met pursuant to adjournment.

Mr Speaker laid before the House the report of the commissioners appointed by an act to appoint commissioners to mark and lay out a certain road therein specified, passed on the 20th day of January 1830. Mr Gayle moved that the report lie on the table; which was carried.

Robert T. Scott, a representative from the county of Madison, appeared, was qualified, and took his seat.

Mr Speaker laid before the House sundry documents in the case of the contested election from the county of Monroe; they were severally read and referred to the committee on privileges and elections.

Mr Moore of M. presented the petition of Alexander Pattison and Elizabeth his wife, praying the passage of a law to authorize them to sell and dispose of a certain town lot in the town of Huntsville; which was read and referred to the judiciary committee to consider and report thereon.

Mr Moore of M. presented the petition of Henry Brazleton administrator of Joel Ledbetter, deceased, praying the passage of a law to authorize him to make title to the purchaser for north east quarter section No. 32, township No. 4, range No. 1, east of the basis meridian of Huntsville; which was read and referred to a select committee, consisting of messrs Moore of M. Dillitt and Scott, to consider and report thereon.

Mr Rugeley presented the petition of Anson Smith of Montgomery county, praying the passage of a law to emancipate certain slaves therein named; which was read and referred to a select committee, consisting of messrs Rugeley, Baker and Oliver, to consider and report thereon.

Mr Everett presented the petition of sundry inhabitants of Mobile county, praying the passage of a law making it the duty of the justices of the peace, and constables of the county of Mobile, to seize any meat found in the possession of any Indian who follows hunting for a living, that he may be taken before some justice of the peace and dealt with as a vagrant; and that any Indian who may be found hunting in the woods with a gun, it may be lawful to apprehend said Indian or Indians; and to prevent wagoners and other travellers from leaving fire on the highway; which was read and referred to the committee on propositions and grievances.

Mr Acklen presented the petition of William Joiner of Madison county, praying the passage of a law to emancipate certain persons therein named; which was read and referred to the committee on propositions and grievances to consider and report thereon.

Mr George presented the petition of William Darby, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to a select committee, consisting of messrs George, McVay and Cunningham to consider and report thereon.

Mr Boyd presented the petition of sundry inhabitants of Bibb county, praying the passage of a law to authorize Samuel Woodruff the privilege of building a grist-mill, cotton-gin and thrasher on Cahawba river, a small

distance above the falls, at a place known by the name of Woodruff's Shoal; which was read and referred to the committee on inland navigation.

Mr Lawler presented the petition of the volunteer rifle company in the 13th regiment, 3d brigade and 2d division of Alabama militia, praying the passage of a law to incorporate said company; which was read and referred to the military committee to consider and report thereon.

Mr King of J. presented the account of the jailer of Jefferson county; which was read and referred to the committee on accounts to consider and report thereon.

Mr Hogan presented the petition of Henderson S. Wade of Dallas county, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to the committee on propositions and grievances to consider and report thereon.

On motion of Mr King of P. *Resolved*, that the select committee to whom has been referred the memorial, praying relief of purchasers and occupants of public lands, be instructed to inquire into the propriety of memorializing Congress, praying that those entitled to pre-emption rights under the act of May last, who may not be prepared to enter a half quarter section of land, may have the right to enter a subdivision of forty acres, dividing the half quarter east and west, or north and south. *And be it further resolved*, that the same committee be instructed to inquire into the propriety of asking Congress to pass a law authorizing the entry of land, which has been offered in tracts of forty acres.

Mr Shortridge offered the following resolution: *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, that on Monday next (the 22nd instant, the Legislature will proceed to the election of Trustees of the University of the State of Alabama. Mr Williams moved that it lie on the table; which was carried.

Mr Brothman called up the preamble and resolution from the Senate, proposing an interchange of bills and joint resolutions on their respective readings. Mr Coopwood moved that it be indefinitely postponed; which was carried.

Mr Williams offered the following resolution: *Resolved*, that the House of Representatives with the concurrence of the Senate, will at the hour of 12 o'clock to-day proceed to elect two Trustees of the University of Alabama to fill the vacancies occasioned by the resignation of John Elliott and Jesse Vanhoose, at which time the Senate are requested to attend in the Representative Hall. Mr Coopwood moved that the resolution lie on the table; which was carried.

On motion of Mr Cook: *Resolved*, that the committee on the judiciary be instructed to inquire into the expediency of revising and amending the several acts concerning executors, administrators and guardians, with leave to report by bill or otherwise.

On motion of Mr McVay: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of amending the attachment law, with leave to report by bill or otherwise.

Mr Massey obtained leave to introduce a bill to be entitled an act to authorize Jesse Dearing and Philip Brothers and their associates to turnpike a certain road therein mentioned; which was read a first time and ordered to a second reading on to-morrow.

Mr Hickman obtained leave to introduce a bill to be entitled an act for the relief of certain occupants of land in the counties of Morgan and Madison; which was read a first time and ordered to a second reading on to-morrow.

On motion of mr Mobley: *Resolved*, that this House will on to-morrow at 12 o'clock, proceed to elect a committee of three members, to act with such committee as may be appointed on the part of the Senate, to examine the situation of the State Bank according to an act of the General Assembly in such case made and provided.

On motion of mr Rather: *Resolved*, that the committee on roads, bridges and ferries be instructed to inquire into the expediency of so amending the road law as to require township and section lines to be kept open, whenever a majority of the citizens of the settlement may require it, for the convenience of private ways on settlement roads, and report by bill or otherwise.

On motion of mr George: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of having the laws of this State digested and reduced to a more convenient form than they are at present, and also of the propriety of discontinuing and expunging from said digest such laws and part of laws as have been repealed by subsequent acts of the Legislature, or are obsolete from the lapse of time and their own limitation, and that said committee have leave to report by bill or otherwise.

Mr Hogg obtained leave to introduce a bill to be entitled an act to amend an act relating to the duties of grand juries, approved Dec. 3d, 1827; which was read a first time and ordered to a second reading to-morrow.

Mr Horton obtained leave to introduce a bill to be entitled an act authorizing the register of the land office at Courtland to correct mistakes in the prices of lands; which was read a first time and ordered to a second reading to-morrow.

On motion of mr Acklen: *Resolved*, that the Secretary of State be requested to lay before this House, the returns of the different sheriffs from their respective counties of this State, shewing the number of votes for and against the proposed amendment to the Constitution thereof, having for its object biennial instead of annual sessions of the Legislature.

On motion of mr Harris: *Resolved*, that the committee on privileges and elections, be and they are hereby authorized to send for persons and papers, and to employ a messenger for that purpose, if a majority of said committee may deem it necessary, in any contested election which has been or may be presented for their consideration during the present session.

Mr Chiles obtained leave to introduce a bill to be entitled an act to prevent frivolous and vexatious law suits; which was read a first time and ordered to a second reading on to-morrow.

On motion of mr Massey: *Resolved*, that the military committee be instructed to inquire into the expediency of so amending the militia laws of this State as to compel all persons subject to do military duty, who owns suitable fire arms, to carry them to all musters and drills which they may be bound to attend, and that there may be four or more petty musters in the year.

On motion of mr Hudson: *Resolved*, that the committee on lands appropriated for internal improvement be instructed to inquire into the expediency of repealing so much of an act entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named, approved January 20, 1829, as compels an annual interest to be paid on the purchase money from the time of entry until paid, with leave to report by bill or otherwise.

The House then proceeded to the orders of the day. The bill entitled an act to change the names and render legitimate certain persons therein named, was read a second time. Mr Coopwood moved that it be referred to the committee on propositions and grievances to consider and report thereon; which was carried.

The bill to be entitled an act to regulate the time of payment for lands sold by the State of Alabama at the land office at Courtland, was read a second time. Mr Coopwood moved that it be referred to the committee on lands appropriated for internal improvement, to consider and report thereon; which was carried.

The bill entitled an act to repeal so much of an act of the General Assembly of the State of Alabama, passed at the session of 1827, as relates to and provides for the building a poor house in the county of Autauga, and the manner of supporting the paupers of said county and for other purposes, was read a second time and ordered to be engrossed for a third reading to-morrow.

The bill to be entitled an act to abolish imprisonment for debt, was read a second time. Mr Acklen moved that it be referred to the judiciary committee; which was carried.

Mr Clark moved the adoption of the rule introduced on yesterday, and it was accordingly adopted as one of the rules for the government of this House.

On motion of Mr Moore of M.: *Resolved*, that the military committee be instructed to inquire into the expediency of amending the patrol laws so to render them more efficient, and to allow reasonable compensation to patrols for the performance of patrol duty.

Mr Clark called up the message of His Excellency the Governor; it was then referred to a committee of the whole House, and made the order of the day for Saturday next.

Mr Hudson obtained leave to introduce a bill to be entitled an act to compensate George M. Taylor for expenses incurred in the prosecution of David M. Smithson charged with murder; which was read a first time and ordered to a second reading on to-morrow.

Mr Conner offered the following resolution: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of repealing the law imposing a white poll tax; and the question being put, Shall the resolution be adopted? it was determined in the affirmative. Yeas 42—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Acklen, Brodnax, Brown, Clough, Coker, Conner, Cook, Coopwood, Cunningham, Dubose, Dillett, Durand, Faulk, George, Hickman, Hodges, Hogan, Hudson, Jackson, Kilpatrick, Lane, Langford, Lawler, Lea, M'Collum, M'Vay, Metcalfe, Massey, Mobley, Murphree, Musgrove, Philpot, Price, Rather, Roberts, Scott, Shortridge, Stevens, Townsend, Walker, Ward, Williams.—Those who voted in the negative are, Messrs Speaker, Baker, Barclay, Boyd, Chiles, Clark, Collins, Dillahunt, Everett, Gayle, Gilbreath, Hall, Harris, Herbert, Hogg, Horton, King of M. King of J. King of P. Mardis, Moore of M. Moore of W. Oliver, Riddle, Richardson, Ross, Rugeley, Sanders, Young.

On motion of Mr Williams: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of passing a law to take the deposition of such persons who may hold a civil office under the State government or of the United States, whose duties would prevent them from attending courts as witnesses, with leave to report by bill or otherwise.

On motion of Mr Coopwood: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency and practicability, consistent with the state of the finances, of reducing the taxes of this State, and to report to this House at as early a period as convenient, the amount of revenue that will probably remain in the Treasury after defraying the expenses of the present current year.

Mr Taylor offered the following resolution: *Resolved*, that the committee

of ways and means be instructed to inquire into the expediency of reducing the pay of the members of the General Assembly, from four dollars, to three dollars per diem, and that they be instructed to report by bill or otherwise. Mr Baker moved that the resolution be indefinitely postponed; which was carried.

And then the House adjourned until to-morrow morning at 10 o'clock.

Friday, Nov. 19, 1830.—The House met pursuant to adjournment.

Mr Shortridge presented the annual report of the President of the Bank of the State of Alabama, which is as follows:

BANK OF THE STATE OF ALABAMA, *Tuscaloosa, Nov. 16, 1830.*

To the Hon: Speaker of the House of Representatives.—SIR: Agreeably to the provisions of the 12th section of an act of the General Assembly, entitled "An act to establish the Bank of the State of Alabama," I have the honor to lay before that branch of the General Assembly over which you preside, the annual statement in relation to said Bank, to wit: Capital Stock of the Bank, \$595,503 22 3-4; notes in circulation, \$620,015 00; money on deposit, \$285,989 59 1-2; debts due the Bank on notes discounted, \$749,625 22; debts due the bank on bills of exchange, 297,387 75; debts due the Bank from other banks, 202,830 88 1-2, amounting in all to \$1,249,843 85 1-2. Cash in Specie, \$104,619 66 1-2; cash in notes of other banks, (principally of the United States' Bank and branches,) \$156,088 00, amounting in all \$260,707 66 1-2. Property, real and personal, \$10,657 16. For the further information of the General Assembly, I beg leave to communicate the accompanying documents, marked A, B and C. which exhibits the result of the operations of this institution for the last year, ending the 9th inst. all of which is respectfully submitted. By order of the Board.

(Signed)

JNO. L. TINDALL, *President, &c.*

Ordered, that said report lie on the table, and that two hundred copies, together with the accompanying documents thereof, be printed for the use of the House.

Mr Young presented the petition of sundry inhabitants of Perry county, praying that the road from Greensborough to Montevallo, may be continued as a public highway; which was read and referred to the committee on roads, bridges and ferries.

Mr Coopwood presented the petition of Thomas E. Tartt to the representatives from the county of Lawrence, in relation to certain land certificates; which was read and referred to a select committee, consisting of messrs Coopwood, Moore of M. and Taylor.

Mr Richardson presented the record and proceedings of the circuit court of Limestone county, in the case of Milly Beckham against William C. Beckham, for divorce; which was read and referred to the committee on divorce and alimony.

Mr Richardson presented the record and proceedings of the circuit court of Limestone county, in the case of Elizabeth J. Eastham against Robert Eastham for divorce; which was read and referred to the committee on divorce and alimony.

Mr Speaker laid before the House sundry documents in relation to a contested election from the county of Bibb; which were severally read and referred to the committee on privileges and elections, to consider and report thereon.

Mr Speaker laid before the House a communication from the Secretary of State, which is as follows:

SECRETARY OF STATE'S OFFICE, *Nov. 19, 1830.*

SIR—In compliance with a resolution of the House of Representatives of yesterday, I have the honor to transmit herewith the returns of the different sheriffs from their respective counties, on the joint resolutions proposing amendments to the con-

stitution of the State of Alabama, so as to have biennial sessions of the General Assembly thereof. It may be proper to remark, that no returns have been received from the sheriffs of Henry and Montgomery counties. I have the honor to be your most obedient servant.

JAME L. THORNTON.

HON JAMES PENN, *Speaker of the House of Representatives.*

The communication with the accompanying documents, was then referred to a select committee, consisting of messrs Acklen, Everett, Baker, Mobley and Hudson.

Mr Everett presented the petition of Wilson Abbot, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to the committee on propositions and grievances.

Mr Acklen presented the petition of Molly Lea, praying the passage of a law to emancipate a certain person therein named; which was read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr Shortridge offered the following resolution: *Resolved*, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that both Houses of the General Assembly will assemble in the Representative Hall at 3 o'clock this evening, Friday, November 19, and proceed to elect a Senator for the Congress of the United States. Mr Mardis moved that the further consideration of the resolution be postponed to Monday next; which was carried. Yeas 35—Nays 34.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Boyd, Brodnax, Clough, Coker, Cock, Coopwood, Dobose, Dillahunty, Dillett, Faulk, Hall, Harris, Herbert, Hickman, Hogg, Horton, Hudson, Jackson, King, of J. King, of P. Lowler, Lea, Mardis, Metcalfe, Moore, of M. Murphree, Musgrove, Richardson, Ross, Regeley, Taylor, Townsend, Ward, Williams and Young.—35.—Those who voted in the negative are, Messrs Speaker, Acklen, Brown, Chiles, Clark, Collins, Conner, Cunningham, Durand, Everett, Gayle, George, Gilbreath, Hodges, Hogan, Kilpatrick, King, of M. Lane, Langford, Massey, McCollum, McVay, Mobley, Moore, of M. Philpot, Price, Rather, Riddle, Roberts, Sanders, Scott, Shortridge, Stephens and Walker —34.

Mr Clough obtained leave to introduce a bill to be entitled an act to secure to citizens the right of being sued in the heart of his or her residence, in civil cases under the jurisdiction of justices of the peace; which was read a first time and ordered to a second reading on to morrow.

Mr Conner obtained leave to introduce a bill to be entitled an act to repeal a part of an act passed the 15th day of January, 1830, entitled an act to establish a Board of internal improvement for the State of Alabama, which was read a first time; and the rule requiring bills to be read on three several days, being dispensed with, it was then read a second time forthwith; and the rule being further dispensed with, it was considered as engrossed, and read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

Mr Sanders called up the resolution introduced on yesterday by Mr Shortridge, proposing to go into the election of Trustees of the University.

Mr Clark moved to amend the resolution by striking out the words, "on Monday next, the 22d inst." with a view to insert the words, "on to day at the hour of 1 o'clock: which was carried. The resolution as amended was then adopted. *Ordered*, that the Clerk acquaint the Senate therewith.

On motion of Mr Stephens: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of reducing the fees of justices of the peace and constables of this State.

Mr Williams obtained leave to introduce a memorial to the Congress of

the United States, on the subject of public lands ; which was read and referred to the same committee to which was referred the memorial introduced by Mr Lea, on that subject.

On motion of Mr King of P. *Resolved*, that the military committee be instructed to inquire into the propriety of empowering Justices of the peace to appoint patrols in their several beats, where there is no military officer.

Mr Young obtained leave to introduce a bill to be entitled an act to amend the act incorporating Marion Academy in Perry county ; which was read a first time and ordered to a second reading to-morrow.

On motion of Mr Shortridge : *Resolved*, that the judiciary committee be instructed to inquire into the expediency of requiring of the sheriffs of certain counties, the return of a list of the qualified jurors of their respective counties at periods more distant than that now required by law, and report by bill or otherwise.

Mr Hickman obtained leave to introduce a bill to be entitled an act more fully to provide for the payment of talesmen jurors ; which was read a first time and ordered to a second reading on to-morrow.

On motion of Mr Baker : *Resolved*, that the commissioners of the board of internal improvement be required to lay before this House any information they may have received in relation to the opening of the Coosa canal.

On motion of Mr King, of M. *Resolved*, that a committee be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate to examine the Comptroller's and Treasurer's offices of this State ; whereupon, messrs King, of M. Mobley and Lawler were appointed said committee.

A message was received from the Governor by James I. Thornton, which is as follows :

EXECUTIVE DEPARTMENT, TUSCALOOSA, Nov. 18, 1830.

The Hon. the Senate and House of Representatives :

GENTLEMEN :—I have this day received the resignation of Mr John Sutherland as one of the directors of the board of internal improvement. I am respectfully, your obedient servant. (Signed,) GABRIEL MOORE.

On motion of Mr Hogg : *Resolved*, that a committee be appointed to inquire into the expediency of passing a law pointing out the manner in which deductions shall be made from the salaries of public officers for neglect of duty in their official capacities, and the amount of such deduction, with leave to report by bill or otherwise : whereupon messrs Hogg, Shortridge and Coopwood were appointed said committee.

Mr King, of J. offered the following resolution : *Resolved*, that with the concurrence of the Senate, the two houses will convene in the Representative Hall, to-day at one o'clock P. M. for the purpose of electing a commissioner of the board of internal improvement, to fill the vacancy occasioned by the resignation of John Sutherland. Mr Hudson moved that the further consideration of the resolution be postponed till to-morrow ; which was carried.

Mr Hudson obtained leave to introduce a bill to be entitled an act to compel non-resident plaintiffs to give security for costs ; which was read a first time and ordered to a second reading to-morrow.

On motion of Mr Cook : *Resolved*, that the comptroller of public accounts be requested to report to this House, the amount of money which has been annually assessed and collected by virtue of an act entitled an act to provide for the payment of slaves executed in pursuance of law, approved 24th Dec. 1824, together with the amount which has been paid out to the owners of slaves executed under said act, up to this time.

On motion of Mr McVay : *Resolved*, that the committee on lands appro-

priated for internal improvement, be instructed to inquire into the expediency of remitting the interest which may have accrued on moneys which have become due for lands which has been valued under one dollar and twenty-five cents per acre, by the legal commissioners; with leave to report by bill or otherwise.

On motion of mr Mardis: *Resolved*, that the two Houses will, with the consent of the Senate, convene in the Representative Hall on Monday next, at the hour of 12 o'clock A. M. for the purpose of electing a State Printer for the ensuing year.

On motion of mr Taylor: *Resolved*, that the committee on roads, bridges and ferries be instructed to inquire into the expediency of selling the public ferries owned by the State across the Cahawba and Alabama rivers, at the town of Cahawba.

On motion of mr Rather: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of changing the law so as to have an assessor and collector of taxes elected in each county, and not let that appointment be vested in one man.

On motion of mr Herbert: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of making it the duty of the tax collectors of this State, to include at the same time of receiving taxes the amount of hands each individual has, either white or black, liable to work on the roads, and that it be made their duty to make a return of the number to the county court of their respective counties.

Mr Lane offered the following resolution: *Resolved*, that a select committee be appointed to inquire into the expediency of establishing a penitentiary in this State. Mr Coopwood moved to amend the resolution by striking out the words "a select appointed" with a view to insert the words "ways and means be instructed;" which was carried. The resolution as amended was then adopted.

On motion of mr Richardson: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of so amending the laws made for the relief of insolvent debtors, as to compel each debtor to surrender to the proper officer, all the personal estate, and all the title papers he may hold, to any real estate enumerated in his schedule; with leave to report by bill or otherwise.

Mr Musgrove offered the following resolution: *Resolved*, that the select committee to which several resolutions and a memorial have been referred, in regard to the public lands of the United States, be instructed to memorialize the Congress of the United States, to grant a quantity of the public lands sufficient for the erection and establishment of an academical institution of literature, in each county in this State, wherein the arts and sciences may be liberally taught. Mr Coopwood moved that said resolution lie on the table; which was carried.

Mr Speaker laid before the House a communication in writing from James I. Thornton, Secretary of State, which is as follows:

SECRETARY OF STATE'S OFFICE, Nov. 19. 1830.

Sir: I have the honor to inform you, that I have just this moment received through the post office, a box from the sheriff of Monroe county, purporting to contain the votes given in at the General election for representatives in said county, which I herewith transmit. I have the honor to be, very respectfully, your ob't. servant.

JAMES I. THORNTON.

Hon. JAMES PENN, *Speaker of the House of Representatives.*

Mr Mobley moved that the communication with the accompanying documents be referred to the committee on privileges and elections; which was carried.

On motion of mr Lane: *Resolved*, that the military committee be instructed to inquire into the expediency of designating the time and place of holding the regimental and battalion musters, by law.

On motion of mr Hogan: *Resolved*, that the select committee to which was referred the resolution and memorial to Congress on the expediency of granting relief to certain classes of settlers of public lands, be further instructed to inquire into the expediency of embracing in those settlers of public lands entitled to relief, all those who had purchased improvements and were in possession of the same upon the passage of the pre-emption act of 31st May, but who were not entitled to pre-emption because they did not cultivate the same in 1829.

Mr Collins obtained leave to introduce a bill to be entitled an act to discontinue and establish certain election precincts; which was read a first time and ordered to a second reading to-morrow.

On motion of mr Conner: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of repealing or reducing the tax upon cattle, and that they report by bill or otherwise.

On motion of mr Baker: *Resolved*, that the judiciary committee inquire into the expediency of granting new and additional powers to justices of the peace, and that they report by bill or otherwise.

Mr Clark moved that the orders of the day be suspended; which was carried.

Agreeably to a resolution offered on yesterday by mr Mobley, the House proceeded to the election of a committee of three members to examine into the affairs and condition of the Bank of the State of Alabama. Mr Young, mr Moore of M. mr Mobley, mr Coopwood and mr Conner being in nomination.

Those who voted for mr Young are, messrs Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Conner, Cook, Cunningham, Dubose, Dillahunty, Faulk, Gayle, George, Gilbreath, Hogan, Hogg, Horton, Hudson, King of J. King of P. Langford, Lawler, Mardis, Massey, McVay, Metcalfe, Moore of M. Moore of W. Murphree, Musgrove, Philpot, Rather, Riddle, Richardson, Ross, Rugeley, Scott, Shortridge, Stephens, Ward, Williams — 45.

Those who voted for mr Roberts are, messrs Speaker, Acklen, Baker, Brodnax, Coker, Conner, Cook, Coopwood, Cunningham, Dillett, Durand, Everett, Hall, Harris, Herbert, Hogg, Hudson, Jackson, Kilpatrick, Lane, Mardis, Mobley, Moore of M. Oliver, Rugeley, Sanders, Taylor, Townsend, Ward — 29.

Those who voted for mr Moore of M. are, messrs Speaker, Acklen, Barclay, Boyd, Brown, Chiles, Clark, Collins, Conner, Coopwood, Cunningham, Dillahunty, Dillett, Durand, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, King of J. King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, McCollum, McVay, Mobley, Moore of W. Murphree, Musgrove, Philpot, Price, Rather, Riddle, Richardson, Roberts, Ross, Sanders, Scott, Stephens, Taylor, Walker, Young — 53.

Those who voted for mr Mobley are, messrs Speaker, Acklen, Baker, Clough, Coker, Cook, Coopwood, Dubose, Durand, Everett, Faulk, George, Harris, Herbert, Hickman, Hodges, Jackson, Kilpatrick, King of J. Lea, McCollum, McVay, Metcalfe, Moore of W. Murphree, Oliver, Rather, Roberts, Ross, Sanders, Taylor, Townsend, Young — 33.

Those who voted for mr Coopwood are, messrs Baker, Boyd, Brodnax, Brown, Clark, Clough, Dubose, Dillahunty, Faulk, Hall, Hickman, Hodges, Hogan, Horton, Hudson, Jackson, Kilpatrick, King of M. King of P. Lane, Lawler, Lea, Massey, McCollum, Metcalfe, Mobley, Musgrove, Oliver, Philpot, Price, Richardson, Rugeley, Shortridge, Stephens, Townsend, Walker, Ward, Williams — 38.

Those who voted for mr Conner are, messrs Barclay, Chiles, Collins, Dillett, Everett, Gayle, Gilbreath, King of M. Langford, Moore of M. Price, Riddle, Roberts, Scott, Shortridge, Walker, Williams, Young — 18.

Mr Young, Mr Moore of M. and Mr Coopwood having each received a majority of votes given, were declared by Mr Speaker to be duly elected said committee.

On motion of Mr Clark, the House resumed the orders of the day.

The bill to be entitled an act to authorize Jesse Pearing and Philip Brothers to turnpike a road therein mentioned, was read a second time. Mr Hickman moved its reference to the committee on roads, bridges and ferries; which was carried.

The bill entitled an act for the relief of certain occupants of lands in the counties of Morgan and Madison, was read a second time and referred to the committee on lands appropriated for internal improvement.

A message from the Senate by Mr Lyon: Mr Speaker—The Senate have read three several times and passed a bill originating in the House of Representatives, entitled an act to repeal a part of an act, passed the 15th day of January 1830, entitled an act to establish a Board of internal improvement for the State of Alabama, and for other purposes.

The bill entitled an act to amend an act relating to the duties of grand juries, approved Dec. 3d, 1827, was read a second time and referred to the judiciary committee.

The bill entitled an act authorizing the register of the land office at Courtland to correct mistakes in the prices of lands, was read a second time and referred to the committee on lands appropriated for internal improvement.

The bill entitled an act to prevent malicious and vexatious law suits, was read a second time and referred to the judiciary committee.

The engrossed bill entitled an act to repeal so much of an act of the General Assembly of the State of Alabama, passed at the session of 1827, as relates to, and provides for the building a Poor house in the county of Autauga, and the manner of supporting the paupers of said county, and for other purposes, was read a third time and passed. *Ordered*, that the title of the bill be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to compensate George M. Taylor for expenses incurred in the prosecution of David M. Smithson, charged with murder, was read a second time and referred to the committee on propositions and grievances.

And then the House adjourned until to-morrow morning at 10 o'clock, *Saturday Nov. 20, 1830*—The House met pursuant to adjournment.

Mr Baker moved to dispense with reading certain parts of the journal of yesterday.

Mr Speaker decided that according to a rule of the House, the reading of the journal could not be dispensed with by motion. From which decision Mr Baker appealed, and the decision of Mr Speaker was overruled.

Mr Speaker laid before the House a report of the Comptroller of public accounts shewing an expose of the disbursements from the contingent fund; which was read and laid on the table. *Ordered*, that one hundred copies thereof be printed for the use of this House.

Mr Hudson presented the memorial of George M. Taylor, praying compensation for apprehending David M. Smithson, charged with murder; which was read and referred to the committee on propositions and grievances to consider and report thereon.

Mr Cook presented the petition of William Cryer, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to the committee on propositions and grievances to consider and report thereon.

Mr Acklen presented the petition of sundry inhabitants of *Madison county*, praying the passage of a law to establish an election precinct at the store of Bryant Cobb's, in the county of *Madison*; which was read and referred to a select committee, consisting of messrs Acklen, Scott, King and Moore of M.

Mr Jackson presented the petition of *Mordecai Baldwin* and *Benjamin Baldwin*, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to the committee on propositions and grievances.

Mr Lawler, from the committee on roads, bridges and ferries, to which was referred the petition of sundry inhabitants of *Perry county*, praying the passage of a law to suppress the evil practice of horse racing on public highways, reported a bill to be entitled an act to suppress the evil practice of horse racing on public highways; which was read a first time and ordered to a second reading on Monday next.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, a bill which originated in the House of Representatives, entitled an act to repeal a part of an act, passed the 15th day of January 1830, entitled an act to establish a Board of internal improvement for the State of *Alabama*, and for other purposes.

Mr Lawler, from the committee on roads, bridges and ferries to which was referred the petition of sundry inhabitants of *St. Clair county*, praying the passage of a law to authorize *John H. Garrett* to open a certain road therein named, and to keep a ferry on the *Coosa river*, reported a bill to be entitled an act to authorize *John H. Garrett* to open a certain road therein named, and to keep a ferry on the *Coosa river*; which was read a first time and ordered to a second reading on Monday next.

Mr Musgrove, from the select committee to which was referred a resolution in regard to the extension of the civil and criminal jurisdiction of the State of *Alabama* over the limits of said State, reported a bill to be entitled an act to extend the jurisdiction of the State of *Alabama* over the Territory according to the geographical boundaries, lying within the State of *Alabama*, and for other purposes; which was read a first time. Mr Gayle moved that the bill lie on the table, and one hundred copies thereof be printed for the use of this House; which was lost. It was then ordered to a second reading on Monday next.

A message from the Senate by mr Lyon: Mr Speaker—The Senate have read three several times and passed bills originating in their House of the following titles, to wit: A bill to be entitled an act to authorize *Thomas A. Heard*, of *Walker county*, to erect a mill and other water works on the *Black Warrior river*; and, a bill to be entitled an act to change the name of *Henry Dudley*, in which they desire the concurrence of your honorable body. They have also adopted the following resolution, in which they desire your concurrence: *Resolved*, that the Senate, with the concurrence of the House of Representatives, will this day, at the hour of 12 o'clock, assemble in the Hall of the House of Representatives to elect a Senator to the Congress of the United States from the fourth of March next. They concur in the resolution of your honorable body, proposing the appointment of a joint committee to examine the Comptroller's and Treasurer's offices, and have appointed on their part messrs *Smith*, *Jackson* and *Walthall*. They also concur in the resolution of your honorable body, proposing to go into the election of a State printer for the ensuing year on Monday next at 12 o'clock. They have also read three several times and passed a bill originating in the House of Representatives, to be entitled an act

to repeal so much of an act of the General Assembly of the State of Alabama, passed at the session of 1827, as relates to, and provides for the building a Poor house in the county of Autauga, and the manner of supporting the paupers of said county, and for other purposes.

Mr Mardis moved that the resolution from the Senate, proposing to go into the election of a Senator, be postponed to Monday next; which was carried.

Bills from the Senate of the following titles, to wit : an act to change the name of Henry Dudley ; and, an act to authorize Thomas A. Heard, of Walker county, to erect a mill and other water works on the Black Warrior river ; were severally read a first time and ordered to a second reading on Monday next

Mr George, from the select committee to which was referred the petition of Richard Dardy, reported a bill to be entitled an act to authorize Richard Dardy to emancipate a certain slave therein named ; which was read a first time and ordered to a second reading on Monday next.

Mr Sherridge obtained leave to introduce a bill to be entitled an act to amend the law in relation to usury ; which was read a first time and ordered to a second reading on Monday next.

Mr Mobley offered the following resolution: *Resolved*, that with the concurrence of the Senate, the two Houses will assemble in the Representative Hall on Monday at 12 o'clock for the purpose of electing a Secretary of State. Mr Lawler moved that the resolution lie on the table ; which was carried.

Mr Philpot obtained leave to introduce a bill to be entitled an act authorizing a jury to be drawn to attend the county court of Franklin and Morgan counties ; which was read a first time and ordered to a second reading on Monday.

Mr Sanders called up the message of His Excellency the Governor. The House then resolved itself into a committee of the whole House on said message, Mr Gayle in the chair, and after some time spent in the consideration of the same, the committee rose, and Mr Speaker resumed the chair ; and Mr Chairman reported sundry resolutions, which were severally concurred in and adopted by the House.

Resolved, that so much of the message of His Excellency the Governor, as relates to the diffusion of knowledge amongst the people, the State University, and the report of the committee of the Trustees of the University accompanying said message, be referred to the committee on education, to consider and report thereon.

Resolved, that so much of the message of His Excellency the Governor as relates to the establishment of a separate Supreme Court, or a separate court having chancery jurisdiction, be referred to the committee on the judiciary to consider and report thereon.

Resolved, that so much of the message of His Excellency the Governor as relates to the modification of the article in the Constitution which restricts the Legislatures power, as to the number of counties which shall constitute a judicial circuit, be referred to the committee on the judiciary to consider and report thereon.

Resolved, that so much of the message of His Excellency the Governor as relates to the modification of our criminal code, be referred to the committee on the judiciary, to consider and report thereon

Resolved, that so much of the Governor's message as relates to the establishment of a Penitentiary with the accompanying documents, be referred to the committee on ways and means to consider and report thereon.

Resolved, that so much of his Excellency's message as relates to the State

Bank, and the establishment of branches thereof, be referred to the committee on the State Bank, to consider and report thereon.

Resolved, that so much of his Excellency's message as relates to the propriety of instructing our representatives in Congress to oppose the renewal of the present charter of the Bank of the United States, and if renewed to require such restrictions as will prevent the establishment of branches in any State, without the consent of such State, be referred to a select committee of seven members, to consider and report thereon: whereupon messrs Conner, Young, Cook, Lane, Durand, King of J. and Lawler were appointed.

Resolved, that so much of the message of his Excellency the Governor as relates to the compensation of the directors of the State Bank for their services, be referred to the committee on the State Bank, to consider and report thereon.

Resolved, that so much of the message of his Excellency the Governor as relates to the Muscle Shoals canal, be referred to the committee on inland navigation, to consider and report thereon.

Resolved, that so much of the message of his Excellency the Governor as relates to the proposed canal to connect the waters of the Alabama river with those of the Tennessee, be referred to the committee on inland navigation to consider and report thereon.

Resolved, that so much of the message of his Excellency the Governor as relates to the conduct of the Creek Indians in preventing the laying out of a road under an act of last session of the Legislature entitled an act appointing commissioners to mark out a road through that part of Pike county, now occupied by the Creek Indians and for other purposes, be referred to the committee on Indians and land in possession of Indians, to consider and report thereon.

Resolved, that so much of the Governor's message as relates to the unfinished and exposed state of our Capitol, be referred to the committee on the State Capitol.

Resolved, that so much of his Excellency the Governor's message as relates to the propriety of adopting a prospective arrangement in relation to the formation of the new Congressional districts, in anticipation of the new ratio, under the late U. States census, be referred to a select committee of seven members, to consider and report thereon; whereupon messrs Mardis, Dillett, Gayle, Taylor, Hudson, King of m^c and Townsend, were appointed said committee.

Resolved, that so much of the Governor's message as relates to the alteration of the constitution of the United States, and the Tariff, with the accompanying documents, be referred to a select committee of five persons, to consider and report thereon, whereupon messrs Baker, Everett, Dillett, Oliver and Shortridge, were appointed said committee.

Resolved, that so much of the message of his Excellency the Governor as relates to the adoption of a system of domestic industry, the culture of sugar and the vine, the growth of silk and wool, be referred to a select committee of seven members, to consider and report thereon; whereupon messrs Harris, Moore, of M., Brodnax, Williams, Rather, King of P. and Roberts, were appointed said committee.

Resolved, that so much of the message of his Excellency the Governor as relates to the act of the last session of Congress, granting pre-emptions to actual settlers of the public lands of the United States, the partial operation of the act for the relief of the purchasers of the public lands, and the failure of the bill to graduate the price of the public lands, be referred to the select committee already raised by this House on some of those measures, to consider and report thereon.

Resolved, that so much of the message of his Excellency the Governor congratulating the Legislative body on the late triumph of *liberal principles and the rights of man* by the people and nation of France over despotism, and on the conspicuous part which "the nations Guest" had therein, be referred to a select committee to respond thereto; whereupon messrs Clark, Riddle, Richardson, Acklen and Hogan were appointed said committee.

Mr Taylor, who voted in the majority to-day in the instance of mr Baker's appeal to the House, moved to reconsider the vote; which was carried. And the question was again put and the decision of mr Speaker sustained by the House.

Mr Acklen moved to suspend the consideration of the orders of the day for the present; which was lost.

The House then proceeded to the orders of the day. The bill entitled an act to secure to citizens the right of being sued in the beat of his or her residence in civil cases, under the jurisdiction of justices of the peace, was read a second time and referred to the judiciary committee.

The bill entitled an act to amend the act incorporating Marion Academy, in Perry county, was read a second time. Mr Hudson moved to amend the bill by way of the following proviso: "Provided that nothing herein contained shall be so construed as to prevent the General Assembly of this State from altering and amending the act whenever it may be deemed necessary;" which was lost. Mr Hudson then moved to refer it to the judiciary committee; which was lost. It was then ordered to be engrossed for a third reading on Monday next.

The bill entitled an act more fully to provide for the payment of talesman jurors; was read a second time and referred to the judiciary committee.

The bill entitled an act to discontinue and establish certain election precincts, was read a second time and referred to the committee on privileges and elections.

The bill entitled an act to compel non-resident plaintiffs to give security for costs, was read a second time. Mr Clark moved that it be indefinitely postponed; which was lost. Mr Coopwood moved its reference to the judiciary committee; which was carried.

And then the House adjourned to Monday morning at 10 o'clock.

Monday, Nov. 22, 1830 — The House met pursuant to adjournment.

Mr Speaker laid before the House the petition of sundry citizens of the town of Huntsville, and of the Huntsville guards, styled the volunteer company of Huntsville guards, praying the passage of a law to exempt the said company from working on the roads of Madison county, and streets of Huntsville; which was read and referred to the military committee, to consider and report thereon.

A message from the Senate by mr Lyon: Mr Speaker—The Senate have read three several times and passed bills which originated in their House, entitled an act requiring the Governor to reside at the seat of government; an act for the relief of James G. Lyon, clerk of the Mobile circuit court; and, an act to appoint commissioners to select a site for the seat of justice in the county of Autauga, and for other purposes. In all of which they desire the concurrence of the House of Representatives.

Bills from the Senate of the following titles, to wit: an act requiring the Governor to reside at the seat of Government; an act for the relief of James G. Lyon, clerk of Mobile circuit court; and an act to appoint commissioners to select a site for the seat of justice in the county of Autauga, and for other purposes, were severally read a first time and ordered to a second reading on to-morrow.

Mr Everett presented the petition of Russell Stebbins and others, pray-

ing the passage of a law to emancipate a certain slave therein named, which was read and referred to the committee on propositions and grievances to consider and report thereon.

Mr Massey presented the petition of sundry inhabitants of St Clair county, praying a repeal of the law annexing a part of St Clair county to Jefferson county; which was read. Mr Brown moved that it lie on the table; which was lost. It was then referred to the committee on county boundaries.

Mr Clark presented the account of B. G. Sims; which was read and referred to the committee on accounts.

Mr Shortridge presented the petition of sundry inhabitants of the 16th section, township 20, range 5, west, praying the passage of a law giving further time to the purchasers for the purchase money of said section; which was read and referred to the committee on propositions and grievances to consider and report thereon.

Mr Shortridge presented the memorial of William M. Marr, and also a petition of sundry inhabitants of Tuscaloosa county, praying the passage of a law to open a road leading from main street from and near the capitol in the town of Tuscaloosa, to intersect a road heretofore granted by the county court, crossing the river, and ending at the margin of this town, near the north west corner of the same; which were severally read and referred to the committee on roads, bridges and ferries to consider and report thereon.

Mr Horton presented the memorial of Collin Bishop of Franklin county, praying the passage of a law allowing him the privilege of selling by auction sales or otherwise, such goods as he may be from time to time enabled to procure, free from taxation in the several counties in this State; which was read and referred to the committee on propositions and grievances to consider and report thereon.

Mr Scott presented the account of Fielding L. White, former jailer of Madison county; which was read and referred to the committee on accounts to consider and report thereon.

Mr Riddle presented the petition of Martha Williams, of Greene county, praying the passage of a law to secure to her such property as she may hereafter acquire, exempt from seizure by execution, attachment or otherwise; which was read and referred to a select committee, consisting of messrs Riddle, Chiles and Jackson, to consider and report thereon.

Mr Cunningham presented the petition of the administrators of John Barron, deceased, praying the passage of a law to make sale of a certain negro man slave therein mentioned; which was read and referred to a select committee, consisting of messrs Cunningham, McVay and George, to consider and report thereon.

Mr Mardis presented the account of John Lawler, of Shelby county; which was read and referred to the committee on propositions and grievances to consider and report thereon.

Mr Hogan presented the account of Thomas J. Frow of Dallas county; which was read and referred to the committee on accounts to consider and report thereon.

Mr Speaker laid before the House the record and proceedings of the circuit court of Walker county, in the case of Mailda Lasiter against Benjamin Lasiter, for divorce; which was read and referred to the committee on divorce and alimony to consider and report thereon.

Mr McVay obtained leave to introduce a bill to be entitled an act authorizing and legalizing the registration of deeds not heretofore recorded in legal form, which was read a first time and ordered to be read a second time to-morrow.

Mr Brodnax obtained leave to introduce a bill to be entitled an act to authorize William R. Pickett to manumit a certain slave therein named; which was read a first time and ordered to be read a second time to-morrow.

Mr Acklen offered the following as one of the rules for the government of this House. No standing rule of this House shall be suspended unless by the concurrence of two thirds of the members present, which lies over one day.

On motion of mr Lawler: *Resolved*, that the committee on Indians, and affairs in relation to lands in possession of Indians within the chartered limits of this State, be instructed to inquire into the expediency of extending (as near as may be) all the benefits of the civil laws of this State to the Indians within its chartered limits, and particularly that when white persons claim of Indians they shall prove the claim to be founded on a valuable consideration, before recovery shall be had, with leave to report by bill or otherwise.

On motion of mr Barclay: *Resolved*, that the judiciary committee be instructed inquire into the expediency of passing a law compelling the State to pay all the State's witnesses where the State is cast.

Mr Clough obtained leave to introduce a bill to be entitled an act to establish a bridge across the Conecuh river, in Covington county; which was read a first time and ordered to be read a second time to-morrow.

On motion of mr Clark: *Resolved*, that the committee on the State Bank inquire into the expediency of passing a law to prohibit by adequate penalties the circulation in this State of the notes of Banks located in other States under the denomination of five dollars.

Mr Taylor obtained leave to introduce a bill to be entitled an act to revive and continue in force an act passed Dec. 3rd, 1819, to incorporate the town of Cahawba; which was read a first time and ordered to be read a second time to-morrow.

On motion of mr King of M.: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of so amending the constitution of the State of Alabama, as to extend the jurisdiction of justices of the peace over all sums not exceeding one hundred dollars.

A message from the Governor by James I. Thornton, which is as follows.
November 2nd, 1830.

Mr Speaker: I am instructed by the Governor to inform your honorable body that he did on the 19th inst. approve and sign an act to repeal a part of an act passed the 18th day of January 1830, entitled an act to establish a board of internal improvement for the State of Alabama, and for other purposes; which originated in the House of Representatives.

On motion of mr Oliver: *Resolved*, that the select committee to which was referred so much of His Excellency's message as relates to the Tariff, be required to report also upon the propriety of the continuance by the General Government of that Branch of the American system called internal improvement.

Mr Ward obtained leave to introduce a bill to be entitled an act to authorize the county court of Dale county to sell certain public buildings therein named; which was read a first time and ordered to be read a second time to-morrow.

Mr Acklen, from the select committee to whom was referred the communication of the Secretary of State, in conformity with a resolution of this House, together with the returns of the different sheriffs from their respective counties, on the joint resolution proposing amendments to the constitution of the State of Alabama, so as to have biennial sessions of the

General Assembly thereof, reported that in the opinion of the committee, the returns aforesaid and the accompanying documents should be referred to a joint committee of the two Houses, and not a select committee, to examine and report thereon, and ask leave to be discharged from the further consideration thereof; which was granted.

On motion of Mr Acklen: *Resolved*, that a committee of three members be appointed on the part of this House to act jointly with such committee as may be appointed on the part of the Senate, to examine the returns of the several sheriffs from the different counties in this State, showing the number of votes for and against the proposed amendment to the constitution, so as to have biennial sessions thereof, with instructions to report thereon; whereupon, messrs Acklen, Everett and Hudson were appointed.

On motion of Mr Baker: *Resolved*, that the judiciary committee inquire into the expediency of regulating contested elections by other and more specific regulations than the existing laws afford, with leave to report by bill or otherwise.

Mr Everett obtained leave to introduce a bill to be entitled an act relating to the acknowledgement or proofs of deeds and the relinquishment of dower; which was read a first time and ordered to be read a second time to-morrow.

Mr Mobley called up the resolution proposing to go into the election of a Secretary of State. Mr Shortridge moved to amend the resolution by striking out the word 'Monday,' with a view to insert 'Saturday next.' A division of the question being called for, the vote was first taken on striking out, and carried. Mr Clark moved to amend it by adding the words 'a Comptroller of Public Accounts and a State Treasurer;' which was lost. The resolution was then adopted.

Mr Kilpatrick obtained leave to introduce a bill to be entitled an act to alter and change the time of holding the county courts of the county of Pickens; which was read a first time and ordered to be read a second time on to-morrow.

Mr Rugely, from the select committee to which was referred the petition of Anson Smith, reported a bill to be entitled an act to emancipate certain slaves therein named; which was read a first time and ordered to be read a second time on to-morrow.

Mr Hudson called up the resolution proposing to go into the election of a commissioner of the Board of internal improvement. Mr Baker moved to amend the resolution by striking out the words 'to-day at one o'clock,' with a view to insert the words 'on Monday the 22nd inst. at 12 o'clock, to-day;' which was carried. The resolution as amended was then adopted. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Coopwood offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the propriety and necessity of establishing an eighth judicial circuit, and reducing the time now authorized for holding courts in the different circuits in this State; which was lost.

Ordered, that Mr Conner be added to the committee on inland navigation.

Mr King of J. obtained leave to introduce a bill to be entitled an act to discontinue a certain election precinct therein named; which was read a first time and ordered to be read a second time to-morrow.

Ordered, that Mr Scott be added to the committee on the State Bank.

Ordered, that Mr Scott be added to the select committee appointed on sundry memorials to Congress on the subject of the public lands.

The House then proceeded to the orders of the day. The bill entitled an act to suppress the evil practice of horse-racing on the public highways,

was read a second time and referred to the judiciary committee to consider and report thereon.

The bill entitled an act to authorize John H. Garrett to open a certain road therein named, and to keep a ferry on the Coosa river, was read a second time, and referred to the committee on Indians, and affairs in relation to lands in possession of Indians within the chartered limits of this State, to consider and report thereon.

A message from the Senate by Mr. Lyon: *Mr Speaker*—The Senate concur in the resolution of your honorable body, proposing that the two Houses convene in the Hall of the House of Representatives this day at the hour of 12 o'clock, for the purpose of electing a commissioner of the Board of internal improvement to fill the vacancy occasioned by the resignation of John Sutherland.

Mr. Rather moved to suspend the orders of the day; which was carried.

On motion of Mr. Rather: *Resolved*, that the Senate be now informed that this House is now ready to receive them for the purpose of going into the election of a State printer, and a commissioner of the Board of internal improvement.

The Senate having repaired to the Hall of the House of Representatives, and taken their seats, the two Houses proceeded to the election of a State Printer. Wiley, McGuire & Henry, and Erasmus Walker being in nomination. For Wiley, McGuire & Henry, 62 votes. For Erasmus Walker 30.

Those who voted for Wiley, McGuire & Henry are, messrs Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hubbard, Irwin, Jackson, Morton, Perry, Pickett, Powell and Walthall, of the Senate—messrs Speaker, Baker, Barclay, Boyd, Brodnax, Chiles, Clark, Coker, Conner, Cook, Dillett, Durand, Everett, Hall, Harris, Herbert, Hogg, Hudson, Jackson, King of J. King of P. Langford, Lawler, Lea, Massey, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpot, Rather, Richardson, Roberts, Ross, Rugeley, Sanders, Scott, Shortridge, Taylor, Townsend, Ward, Williams and Young.

Those who voted for Erasmus Walker are, messrs President, Hemphill, Hogan, Merriwether, Smith and Vining, of the Senate—messrs Acklen, Brown, Clough, Collins, Coopwood, Cunningham, Dubose, Dillahunty, Faulk, Gayle, George, Gilbreath, Hickman, Hogan, Kilpatrick, King of M. Lane, Mardis, M'Collum, M'Vay, Price, Riddle, Stevens and Walker.

Wiley, McGuire & Henry having received a majority of votes, Mr Speaker therefore declared them elected public printers for the ensuing twelve months.

The two Houses then proceeded to the election of a commissioner of the Board of Internal Improvement. John J. Winston being in nomination. For John J. Winston 93 votes.

Those who voted for John J. Winston are, Messrs President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Smith, Vining and Walthall, of the Senate—Mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Cook, Coopwood, Cunningham, Dubose, Dillett, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, M'Collum, M'Vay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Roberts, Ross, Rugeley, Sanders, Scott, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

John J. Winston having received a majority of votes given, Mr Speaker therefore declared him duly elected a commissioner of the Board of Internal Improvement. And then the Senate withdrew.

On motion of Mr. Mardis: *Resolved*, that, with the concurrence of the Senate, the two Houses will assemble in the Representative Hall on this day at 1 o'clock P. M. for the purpose of electing two Trustees of the University of Alabama, to supply the vacancies existing in the first and seventh judicial circuits of this State.

The House resumed the consideration of the orders of the day.

The bill entitled an act to extend the jurisdiction of the State of Alabama over the territory, according to the geographical boundaries lying within the limits of the State of Alabama, and for other purposes, was read a second time, and referred to the committee on Indians, and affairs in relation to lands in possession of Indians within the chartered limits of this State.

The bill from the Senate entitled an act to change the name of Henry Dudley, was read a second time and ordered to be read a third time to-morrow.

The bill from the Senate entitled an act to authorize Thomas A. Heard, of Walker county, to erect a mill and other water works on the Black Warrior river, was read a second time and referred to the committee on inland navigation.

The bill entitled an act to authorize Richard Darby to emancipate a certain slave therein named, was read a second time and referred to the committee on propositions and grievances.

A message was received from the Governor by James I. Thornton, which is as follows:

To the Hon: the Speaker and members of the House of Representatives.

GENTLEMEN: In compliance with the resolution of the House of Representatives, requesting the commissioners of the Board of Internal Improvement to furnish any information in their possession, relative to the Canal—I have to inform you, that the board of internal improvement will present to the General Assembly their annual report in a few days, which will afford all the information in their power.—I have the honor to be, &c.

(Signed)

GABRIEL MOORE,

President of the Board of Internal Improvement.

Mr. Lawler moved that the communication lie on the table; which was carried.

The bill entitled an act to amend the law in relation to usury, was read a second time. Mr. Baker moved that the bill be indefinitely postponed; which was carried. Yeas 57—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Acklen, Baker, Barclay, Brodnax, Brown, Clough, Coker, Conner, Cook, Coopwood, Cunningham, Dubose, Dillahunty, Dillett, Everett, Faulk, Gayle, George, Gilbreath, Hall, Herbert, Hickma, Hodges, Hogan, Horton, Hudson, Jackson, King of J. King of P. Lane, Langford, Lea, Mardis, Massey, McCollom, McVay, Metcalfe, Moore of M. Moore of W. Musgrove, Oliver, Philpot, Price, Rather, Richardson, Roberts, Ross, Rugeley, Sanders, Scott, Stevens, Taylor, Townsend, Walker, Williams and Young.—Those who voted in the negative are, Messrs Boyd, Clark, Collins, Durand, Harris, Hogg, Kilpatrick, King of M. Lawler, Mobley, Murphree, Riddle, Shortridge and Ward.

And then the House adjourned till to-morrow morning at 10 o'clock.

Tuesday, Nov. 23, 1830.—The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from the comptroller of public accounts, which is as follows:

COMPTROLLER'S OFFICE, Tuscaloosa, Nov. 22, 1830.

The Hon: Speaker of the House of Representatives.

SIR—In reply to a resolution of the House of Representatives, calling for information as to the annual receipts and disbursements of the fund raised by virtue of an act entitled an act to provide for the payment of slaves executed in pursuance of law—I have the honor to submit the following: In the year 1825, there was raised under said law \$1,228 66; in 1826, \$1,329 04; in 1827, \$1,412 10; in 1828,

\$1,487 52 1-2; in 1829, \$1,548 36; in 1830, \$1,240 89. Total amount raised since the passage of the law, is \$8,246 57 1-2. The disbursements from the said fund are, in 1825—6, \$682 50; in 1826—7, \$1,050 00; in 1827—8, \$862 50; in 1828—9, \$1,750 00; in 1829—30, \$225 00. The whole amount paid out of said fund, is \$4,570 00. Leaving to the credit of said fund, an unexpended balance of \$3,676 57 1-2,

It is proper to remark, that the amount set down as raised by the assessments of the present year is considerably short of the true amount, owing to the return of assessments not having been yet made from some two or three counties. Very respectfully;

GEORGE W. CRABB, *Compt.*

Hon: JAMES PENN, *Speaker.*

Ordered, that said communication be referred to the committee on ways and means, to consider and report thereon.

Mr Speaker laid before the House sundry documents in the case of a contested election from the county of Bibb; which were severally read and referred to the committee on privileges and elections.

A message was received from the Governor by James I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT, Nov. 23rd, 1830.

The Hon the Speaker and members of the House of Representatives.

Gentlemen:—I have received the resignation of Dr. H. W. Rhodes as Trustee of the University of Alabama. I have the honor be,

[Signed]

GABRIEL MOORE.

Mr Coopwood presented the account of Greene K. Hubbard and others land commissioners under the act of 1828, which was read and referred to the committee on lands appropriated for internal improvement to consider and report thereon.

Mr Hogan presented the petition of sundry inhabitants of Dallas county, praying to establish an election precinct at the house of Nelson B. Norris in said county; which was read and referred to the committee on privileges and elections.

Mr A. klen made the following report: The committee on enrolled bills have examined and found correctly enrolled, a bill to be entitled an act to repeal so much of an act of the General Assembly of the State of Alabama, passed at the session of 1827, as relates to, and provides for the building a poor house in the county of Autauga, and the manner of supporting the paupers of said county, and for other purposes; which originated in this House.

Mr Lawler, from the committee on roads, bridges and ferries, to which was referred the bill entitled an act to authorize Jesse Dearing and Philip Brothers to turnpike a road therein mentioned, reported the same with the following amendment, to wit: in the second line of the second section strike out the word 'thirty,' and insert in lieu thereof the word 'twenty.' In which amendment the House concurred. Mr Clark moved that the bill be referred to the committee on Indians and affairs in relation to lands in possession of Indians within the chartered limits of this State, to consider and report thereon.

Mr Lawler, from the committee on roads, bridges and ferries, to which was referred a resolution instructing them to inquire into the expediency of amending the road law in relation to the appointment of overseers and apportionment of hands of roads, so as to provide for filling vacancies occasioned by death, resignation or failure to appoint at the proper term of the commissioners court; reported that in the opinion of your committee, the law amply provides for all such contingencies, and ask leave to be discharged from the further consideration of the subject; which was granted.

Mr Lawler, from the committee on roads, bridges and ferries, to which was referred the memorial of sundry citizens of Troup county in the State of Georgia, praying the passage of a law to change so much of the road leading from Fort Williams, on the Coosa river, to the State of Georgia, as runs from Huttons on the Tallapoosa, to West Point on the Chatahoochie, so as that said road may run to Burnt Village, &c., reported that the said road alluded to by the memorialists, is one authorized by an act of the last session of the General Assembly to be laid out and turnpiked by John A. Chapman and others, and that by the terms of said act, the said company are authorized to select such rout as they may think proper on the direction from the starting point designated from the Coosa river towards Milledgeville, to the line between this State and the State of Georgia. It appears reasonable to your committee to suppose that interest would prompt the said company to select the nearest and best rout for said road they could find; but if they have failed to do so, and have even departed from the provisions of the act under which they are authorized to open said road, your committee think it inexpedient to legislate on the subject at this time, and ask leave to be discharged from the further consideration thereof; which was granted.

A message was received from the Senate by Mr Gayle: Mr Speaker—I am instructed by the Senate to inform you that they have read three several times and passed a bill to be entitled an act to run and mark out the line from Hartgrove's old place to Dunn's old place, between the counties of Jefferson and Blount, in which they desire the concurrence of your honorable body. They have elected a committee on their part, consisting of messrs Hogan, Jackson and Walball, to act with the committee on the part of your honorable body, to examine and report the state and condition of the Bank of the State of Alabama, pursuant to the provisions of an act entitled an act to amend the charter of the Bank of the State of Alabama. They concur in the resolution adopted by your honorable body appointing a committee of three members to act with such committee as may be appointed on the part of the Senate, to examine the returns of the sheriffs from the different counties in this State shewing the number of votes for and against the proposed amendments to the constitution, so as to have biennial sessions of the Legislature, with instructions to report thereon. They have appointed as a committee on their part, messrs Garth, Bridges and Vining. They have also concurred in the resolution adopted by your honorable body, for the purpose of electing a Secretary of State on Saturday next at the hour of 12 o'clock.

A bill from the Senate entitled an act to run and mark out the line from Hartgrove's old place to Dunn's old place, between the counties of Jefferson and Blount, was read a first time and ordered to be read a second time to-morrow.

Mr Clark called up the resolution proposing to go into the election of a Senator to the Congress of the United States. Mr Clark moved to amend the resolution by striking out the words 'Friday the 19th inst.' to insert 'this day at 1 o'clock;' which was carried. Mr Clark moved to amend the resolution by striking out all after the word *Resolved*, with the view to insert the following, "with the concurrence of the Senate the two Houses will this day at the hour of 1 o'clock, P. M., assemble in the Representative Hall for the purpose of going into the election of a Senator of the United States, for the term of six years, commencing from and after the fourth day of March next; which was adopted. The resolution as amended was then adopted. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Murphree obtained leave to introduce a bill to be entitled an act to

change the name of a certain person therein named: which was read a first time and ordered to be read a second time to-morrow.

On motion of Mr Taylor: *Resolved*, that the Secretary of State be instructed to make an exhibit to this House, shewing the number and description of arms and accoutrements received from the United States under an act of Congress distributing arms to the several States, accompanied by an exhibit shewing what disposition has been made of any portion of the arms, &c. by the different Executives.

Mr Acklen moved the adoption of the rule proposed on yesterday.

Mr Taylor called for the previous question, and the question was, Shall the main question be now put? and determined in the affirmative. And the question recurred on the adoption of the rule; which was carried.

On motion of Mr Shartridge: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of passing a law declarative of the length of time for which a clerk of the circuit or county court shall hold his office when elected, after a vacancy shall have happened by a former incumbent, having failed to give bond or otherwise, and report to this House by bill or otherwise.

On motion of Mr Mobley: *Resolved*, that the committee on Indians, and affairs in relation to lands in possession of Indians, within the chartered limits of this State, be hereafter styled the committee "on Indians and Indian affairs."

The House then proceeded to the consideration of the orders of the day.

The bill entitled an act to authorize a jury to be drawn to attend the county court of Franklin and Morgan counties, was read a second time. Mr Clark moved to refer it to a select committee: which was carried: whereupon, messrs Hudson, Clark and Philpot were appointed.

The engrossed bill entitled an act to amend the act incorporating Marion Academy, in Perry county, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill from the Senate entitled an act requiring the Governor to reside at the seat of government, was read a second time. Mr Dillett moved to amend the second section of the bill by striking out the word 'three,' with a view to insert 'five.' A division of the question being called for, the vote was first taken on striking out and carried; the question recurred to fill the blank with the word 'five,' and lost. Mr Roberts then moved to strike out the second section, which was carried. Mr Clark moved to postpone the further consideration thereof to the first day of March next; which was lost. Mr Roberts then moved to reconsider the vote striking out the second section; which was carried. Mr Roberts asked leave to withdraw his motion to strike out the second section; which was granted. Mr Sanders moved that the bill lie on the table; which was carried.

The bill from the Senate entitled an act for the relief of James G. Lyon, clerk of Mobile circuit court, was read a second time and ordered to be read a third time to-morrow.

A message from the Senate by Mr Gayle: Mr Speaker—I am instructed by the Senate to inform you, that they have concurred in the resolution adopted by your honorable body, proposing to go into the election of two Trustees of the University of Alabama, and have amended the same as herewith shewn, to wit: strike out the words 'on this day,' and insert in lieu thereof the words 'on Wednesday next;' strike out the word 'two,' and insert in lieu thereof the word 'three,' so as to make it read 'three Trustees;' also by adding after the word 'first' the word 'fifth,' so as to make it read the 'first, fifth and

seventh judicial circuits.' They have further amended the resolution by adding and also a judge of the county court of Pickens county, so as to go into the election of three Trustees of the University of Alabama to fill the vacancy existing in the first, fifth and seventh judicial circuits and a judge of the county court of Pickens county, on to-morrow at 1 o'clock: in which several amendments they desire the concurrence of your honorable body.

Ordered, that the House concur in the several amendments made by the Senate to said resolution. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act to appoint commissioners to select a site for the seat of justice in the county of Autauga, and for other purposes, was read a second time and ordered to be read a third time on to-morrow.

The bill entitled an act authorizing and legalizing the registration of deeds not heretofore recorded in the legal time, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill entitled an act to authorize William R. Pickett to manumit a certain slave therein named, was read a second time. Mr Hudson moved that it be referred to the committee on propositions and grievances; which was carried.

The bill entitled an act to establish a bridge across the Conecuh river in Covington county, was read a second time and referred to the committee on roads, bridges and ferries, to consider and report thereon.

The bill entitled an act to revive and continue in force an act, passed Dec. 3rd, 1819, to incorporate the town of Cahawba, was read a second time and referred to a select committee, consisting of messrs Taylor, Hogan and Herbert.

The bill entitled an act to authorize the county court of Dale county to sell certain public buildings therein named, was read a second time and ordered to be engrossed for a third reading to-morrow.

The bill entitled an act relating to the acknowledgement or proof of deeds, and relinquishment of dower, was read a second time and referred to the judiciary committee, to consider and report thereon.

The bill entitled an act to alter and change the time of holding the county courts of the county of Pickens, was read a second time. Mr Moore of M. moved that the bill lie on the table; which was carried.

The bill entitled an act to emancipate certain slaves therein named, was read a second time and referred to the committee on propositions and grievances, to consider and report thereon.

The bill entitled an act to discontinue a certain election precinct therein named, was read a second time and referred to the committee on privileges and elections, to consider and report thereon.

The bill from the Senate entitled an act to change the name of Henry Dudley, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

And then the House adjourned till to-morrow morning at 10 o'clock.

Wednesday, Nov. 24, 1830.—The House met pursuant to adjournment.

A message from the Senate, by Mr Gayle: Mr Speaker—The Senate have read three several times and passed bills of the following titles, viz: An act to authorize the register of the land office at Courtland to correct mistakes in the prices of lands; and an act for the relief of Joshua Hardin, in which they desire the concurrence of your honorable body.

Bills from the Senate of the following titles, to wit: an act to authorize the register of the land office at Courtland to correct mistakes in the prices

of lands; an act for the relief of Joshua Hardin; were severally read a first time and ordered to be read a second time on to-morrow.

Mr Speaker laid before the House the record and proceedings of the circuit court of Walker county in the case of Nancy Guest against Thomas Guest, for divorce; which was read and referred to the committee on divorce and alimony, to consider and report thereon.

Mr Speaker also laid before the House the record and proceedings of the circuit court of Marion county, in the case of Sally Terrell against Almond T. Terrell, for divorce, and also in the case of Norman McKay against Nancy McKay, for divorce; which were severally read and referred to the committee on divorce and alimony to consider and report thereon.

Mr Rather presented the annual report of the Quartermaster General; which was read and referred to the military committee to consider and report thereon.

Mr Coopwood presented the account of William Conner of Lawrence county; which was read and referred to the committee on accounts to consider and report thereon.

Mr Baker presented the petition of sundry inhabitants of Lowndes county, praying the passage of a law to establish an election precinct at the house of Curtis Hay; which was read and referred to the committee on privileges and elections.

Mr Walker presented the petition of sundry citizens residing in township 14, range 12 and in township 14, range 13, east of Lookoutville, of Marion county, praying to be attached to Fayette county; which was read and referred to the committee on county boundaries, to consider and report thereon.

Mr Taylor, from the military committee to which was referred the memorial of sundry citizens of Madison county, praying the exemption of the Huntsville guards from working on roads in Madison county, and the streets of Huntsville, reported a bill to be entitled an act to exempt the Huntsville guards from working on the roads and streets; which was read a first time and ordered to be read a second time to-morrow.

Mr Cook from the committee on ways and means to which was referred a resolution instructing them to inquire into the expediency of changing the law so as to have an assessor and collector of taxes elected in each county, and not let that appointment be vested in any one man, reported that it is inexpedient to make the proposed alteration in the present law; in which report the House concurred.

Mr Clark, from the committee on propositions and grievances to which was referred the bill entitled an act to authorize Richard Darby to emancipate a certain slave therein named, reported an amendment by adding thereto an additional section, No. 2; which was adopted. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Clark from the committee on propositions and grievances to which was referred the petition of sundry citizens of Shelby county, praying that Eb Tayler, a person who is deprived by a visitation of Providence of the use of one of his legs, and is entirely unable to labor for a support, may be authorized by law to trade in such articles as he may think proper, free from any tax or duty, reported that by the first section of the first article of the constitution of this State it is declared that no man is entitled to exclusive separate public emoluments or privileges, but in consideration of public services, and that this committee are of opinion that the privilege asked for, if granted would be in violation of said provision of the constitution, and therefore deem it inexpedient to grant the prayer of the petitioners: in

which reported the dies in the concurrent of the House. Mr. Martin moved that he report lie on the table, which was carried.

Mr. Clark, from the committee on propositions and resolutions to which was referred sundry petitions of sundry colored citizens of the county, which side in the south west corner of said county for purchase of land, said said depend principally on that because for their support in your finality may be possible in the duty of a justice of the peace and constables of the county, unable to seize any agent found in possession of any Indian land, to have hunting for a living, and that said Indians may be allowed to sell said land, and that the property of any Indian found hunting in the territory be lawfully seized by any citizen apprehending said Indian and bringing him before some justice of the peace, and said law be referred to said justice, and also that a law may be passed that will prevent vagabonds and other travellers camping on the different highways to that country, from lighting fire at their camps when they start, reported that the views of the petitioners are in themselves and ought not to be regarded, which day of the concurrent of the House, in which report the House concurred.

Mr. Diller, from the judiciary committee to whom was referred a bill to be enacted in order to authorize the recording and a journal of the General Assembly of the State of Alabama, reported the same without amendment, and such a law would be merited, Mr. Martin moved that the bill and report be postponed to the next day of the next day, which was carried.

Mr. Diller, from the judiciary committee to whom was referred the memorial of Alexander and Elizabeth Harrison, petitioners for the passage of an act authorizing the said Alexander and Elizabeth Harrison to convey and make titles to certain real estate mentioned in said memorial, the property of their minor sons David and Edmund, reported that they have laid and have memorial under consideration, and that the subject of the memorial is improperly referred to the Legislature, and ask to be discharged from the further consideration thereof. Mr. Moore of W. moved that the report lie on the table, which was carried.

Mr. Child, from the judiciary committee to whom was referred a resolution instructing them to inquire into the expediency of making it the duty of tax collectors of this State to receive at the same time of returning taxes, the amount of land ready and land, whether white or black, liable to work on the roads, and that it may be made the duty of the tax collectors to return the number to the county court of their respective counties, reported that it could be the expediency to pass such an act as suggested by the resolution, in which report the House concurred.

Mr. Diller, from judiciary committee to whom was referred a resolution directing them to inquire into the expediency of so amending the constitution of this State of Alabama as to extend the jurisdiction of justices of the peace over civil suits not exceeding one hundred dollars, reported that in the opinion of the committee it would be expedient to amend the constitution as contemplated therein. Mr. Rafter moved that the further consideration of the report and resolution be postponed to the first day of the next month, which was carried. Yeas 47—Nays 25.

The yeas and nays being demanded, those who voted in the affirmative, Messrs. Sparks, Baker, Young, Child, Clark, Glenn, Connor, Cook, Davis, Diller, Burton, Lever, Fink, Galt, Gilchrist, Hall, Harris, Hoan, Hogg, Horton, Johnson, Johnson, Aker and Kane, Lusk, Lusk, Fowler, Nichols, Nissey, McGowan, McRae, Mobley, Oliver, Phillips, Price, Rafter, Riddle, Richardson, Roberts, Ross, Angley, Sander, Shorthridge, Taylor, Townsend, Walker, Williams and

Young.—47.—Those who voted in the negative are, messrs Acklen, Barclay, Boyd, Brown, Coker, Collins, Coopwood, Cunningham, Dillahunty, George, Gilbert, Hickman, Hedges, Kilpatrick, King of M., King of P., Lane, McVay, Moore of M., Moore of W., Murphree, Musgrove, Scott, Stephens, Ward.—25.

Mr Dillett, from the judiciary committee to whom was referred a bill to be entitled an act to secure to citizens the right of being sued in the heat of his or her resentment in civil cases under the jurisdiction of justices of the peace, reported the bill without amendment, that the same in the opinion of the committee is unconstitutional and in its provisions inexpedient. Mr Sanders moved that the bill and report be postponed till the first day of March next; which was lost. Yeas 21—Nays 51.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Acklen, Boyd, Brown, Dillitt, Durand, Everett, Hickman, Langford, Lawler, Mardis, Massey, Mobley, Philpot, Rather, Riddle, Richardson, Roberts, Sanders, Walker and Young.—21.—Those who voted in the negative are, messrs Baker, Barclay, Brodnax, Chiles, Clark, Clough, Coker, Collins, Conner, Cook, Coopwood, Cunningham, Dobose, Dillahunty, Faulk, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hedges, Hogan, Hogg, Hutton, Hudson, Jackson, Kilpatrick, King of M., King of P., Lane, Lea, M'Cullum, McVay, Metcalfe, Moore of M., Moore of W., Murphree, Musgrove, Oliver, Pate, Ross, Rokeley, Scott, Shortridge, Stephens, Taylor, Townsend, Ward and Williams.—51.

Mr Clark then moved that the bill and report be referred to a select committee; which was carried. Whereupon messrs Clark, Coopwood, Gayle and Scott, were appointed said committee, to consider and report thereon.

Mr Acklen moved that the consideration of the orders of the day be suspended for the present; which was carried.

On motion of Mr Sanders: *Resolved*, that the Senate be informed, that this House is now ready to receive them for the purpose of going into the election for three Trustees to fill the vacancies occasioned by the resignation of John Elliott of the first, H. W. Rhodes of the fifth, and Jesse Vanhorne of the seventh judicial circuits; and also to elect a judge of the county court of Pickens county, to fill the vacancy of.—McCall, resigned.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two Houses then proceeded to the election of a Trustee of the University of Alabama, for the first judicial circuit, in the room of John Elliott, resigned. Ptolemy Harris, only, being in nomination. For Ptolemy Harris 38 votes.

Those who voted for Mr Harris are, messrs President, Almondbie, Anderson, Conner, Crawford, Dupuy, Edmundson, Hemphill, Hubbard, Irwin, Jackson, Merriweather, Morton, Perry, Smith, Young, and Withall, of the Senate—messrs Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Conner, Cook, Coopwood, Cunningham, Dobose, Dillahunty, Dillitt, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Herbert, Hickman, Hedges, Hogan, Hogg, Hutton, Hudson, Jackson, Kilpatrick, King of J., King of M., King of P., Lane, Langford, Lawler, Lea, Mardis, Massey, M'Cullum, McVay, Metcalfe, Mobley, Moore of M., Moore of W., Murphree, Musgrove, Oliver, Philpot, Prier, Rather, Riddle, Richardson, Roberts, Ross, Rokeley, Sanders, Scott, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young, of the House of Representatives.

Whereupon, Mr Harris having received all the votes given, was declared by Mr Speaker, to be duly elected Trustee of the University of Alabama, for the first judicial circuit, in the room of John Elliott, resigned.

The two Houses then proceed to the election of a Trustee of the University of Alabama for the fifth judicial circuit in the room of H. W. Rhodes, resigned. Jesse W. Garth, only, being in nomination. For J. W. Garth, 88 votes.

Those who voted for Mr Garth are, Messrs President, Abercrombie, Anderson, Conner, Crawford, Dupuy, Edmondson, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Smith, Vining and Walthall, of the Senate—Mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Conner, Cook, Coopwood, Cunningham, Dubose, Dillahunty, Dillett, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of W. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, M-Collum, M'Vay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Roberts, Ross, Rugeley, Sanders, Scott, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young, of the House of Representatives.

Whereupon, mr Garth having received all the votes given, was declared by mr Speaker to be duly elected Trustee of the University of Alabama for the fifth judicial circuit, in the room of H. W. Rhodes, resigned.

The two Houses then proceeded to the election of a Trustee of the University of the State of Alabama, for the seventh circuit. John C. Kilpatrick being in nomination. For John C. Kilpatrick, eighty eight votes.

Those who voted for John C. Kilpatrick are, Messrs President Abercrombie, Anderson, Conner, Crawford, Dupuy, Edmondson, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Smith, Vining, Walthall, of the Senate—Mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Conner, Cook, Coopwood, Cunningham, Dubose, Dillahunty, Dillett, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, King of J. King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, M-Collum, M'Vay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Roberts, Ross, Rugeley, Sanders, Scott, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young, of the House of Reps

John C. Kilpatrick having received a majority of votes, mr Speaker therefore declared him duly elected a Trustee of the University of Alabama to fill the vacancy occasioned by the resignation of Jesse Vauhouse.

The two Houses then proceeded to the election of a judge of the county court of Pickens county, to fill the vacancy occasioned by the resignation of — Marshall. Job H. Binion and James Thompson being in nomination. For Job H. Binion, seventy votes; for James Thompson eighteen votes.

Those who voted for John H. Binion are, messrs President, Abercrombie, Anderson, Conner, Dupuy, Hemphill, Hubbard, Jackson, Morton, Perry, Smith, Vining and Walthall, of the Senate—Messrs Speaker, Acklen, Baker, Brodnax, Brown, Clark, Clough, Coker, Collins, Conner, Cook, Coopwood, Dubose, Dillett, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King, of J. Lane, Langford, Lawler, Lea, Mardis, Massey, McCollum, Metcalfe, Mobley, Moore, of W. Murphree, Musgrove, Oliver, Philpot, Riddle, Richardson, Roberts, Ross, Rugeley, Shortridge, Taylor, Townsend, Walker, Ward, Williams, Young, of the House of Representatives.

Those who voted for James Thompson are, Messrs Crawford, Edmondson, and Merriwether, of the Senate—Messrs Barclay, Boyd, Chiles, Cunningham, Dillahunty, Hodges, King, of M. King, of P. McVay, Moore, of M. Price, Rather, Sanders, Scott and Stephens, of the House of Representatives.

Job H. Binion having received a majority of votes mr Speaker therefore declared him duly elected judge of the county court of Pickens county.

And then the Senate withdrew.

Mr Acklen moved further to suspend the consideration of the orders of the day; which was carried.

Mr Hudson, from the committee on propositions and grievances, to which was referred the petition of Edmund Prince, reported a bill to be entitled an act for the relief of Edmund Pirnce; which was read a first time and ordered to be read a second time to-morrow.

Mr Hudson, from the committee on propositions and grievances to which was referred the bill entitled an act to compensate George M. Taylor for expenses incurred in the prosecution of David M. Smithson, charged with murder, reported the same with an amendment, by filling the blank where it occurs in the third line and first section, with the words, "ninety-one," so as to make it read ninety one dollars: which was adopted. It was then ordered to be engrossed for a thirdreading to morrow.

Mr Acklen from the select committee to which was referred the petition of sundry inhabitants of Madison county, reported a bill to be entitled an act to establish an additional election precinct in the county of Madison; which was read a first time and ordered to be read a second time to-morrow.

Mr Riddle from the select committee to which was referred the petition of Martha Williams, reported a bill to be entitled an act for the relief of Martha Williams; which was read a first time and ordered to be read a second time to-morrow.

Mr Lane from the select committee to which was referred the petition of John M. Binford, accompanied with sundry documents, reported the same back to the House, and beg leave to have the same referred to the committee on lands appropriated for internal improvement, and asked to be discharged from the further consideration thereof; in which report the House concurred.

On motion of Mr Clark: *Ordered*, that Mr Coopwood be added to the committee on lands appropriated for internal improvement.

Mr Lea, from the select committee to which was referred the petition of Nathaniel Clark, reported a bill to be entitled an act to amend the twenty fifth section of an act, approved January 20th 1830, entitled an act to authorize the emancipation of certain slaves therein named; which was read a first time and ordered to be read a second time on to-morrow.

Mr Clark moved that the House proceed to the consideration of the orders of the day; which was carried.

The bill from the Senate entitled an act to run and mark out the line from Hartgrove's old place to Dunn's old place, between the counties of Jefferson and Blount, was read a second time and ordered to be read a third time to-morrow.

And then the House adjourned till to morrow morning at 10 o'clock.

Thursday, Nov. 25, 1830.—The House met pursuant to adjournment.

A message was received from the Senate by Mr Gayle: Mr Speaker—The Senate have read three several times and passed a bill to be entitled an act for the relief of certain persons therein named; in which they desire the concurrence of your honorable body.

A bill from the Senate entitled an act for the relief of certain persons therein named, was read a first time and ordered to be read a second time on to morrow.

Mr King of J. presented the petition of sundry inhabitants of Shelby county, to be attached to Jefferson county: which was read and referred to a select committee, consisting of messrs King of J. Lawler, Mardis and Brown, to consider and report thereon.

Mr Metcalf presented the petition of sundry inhabitants of Marion county, praying the removal from office, William H. Ragsdale, judge of the county court of said county; which was read and referred to the judiciary committee, to consider and report thereon.

Mr Oliver presented the account of Edward Ellis of Montgomery county; which was read and referred to the committee on accounts, to consider and report thereon.

On motion of Mr Gayle: *Ordered*, that Mr Conner have leave of absence until Monday next.

Mr Dillett, from the judiciary committee to which was referred a bill entitled an act more effectually to secure trials in capital cases by impartial jurors, reported it to the House without amendment, and that it is inexpedient to pass said bill. Mr Lawler moved to lay the bill and report on the table; which was carried.

A message was received from the Governor by William L. Antony:

EXECUTIVE DEPARTMENT, Tuscaloosa, November 25, 1830.

The Hon. Speaker and Members of the House of Representatives:

Gentlemen: I herewith transmit to your honorable body, through their secretary, the annual report of the board of internal improvement.

I have the honor to be,

GABRIEL MOORE.

Mr Lee moved that said report lie on the table, and that 1000 copies of the same, and 500 copies of the accompanying documents thereof, be printed for the use of this House; which was carried.

Mr Dillett, from the judiciary committee to whom was referred a bill to be entitled an act more fully to provide for the payment of tales jurors, reported the bill without amendment. Mr Murdis moved that the bill and report be postponed to the first day of March next; which was lost. Yeas 29—Nays 36.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Acklen, Boodnox, Brown, Clark, Cook, Cubose, Ditchmore, Dillett, Darnold, Everett, Gilbreath, Hall, Harris, Hodges, Hudson, King of J. Langford, Lester, Mads, Massey, Mobley, Oliver, Price, Richardson, Roberts, Shouridge, Taylor and Walker—29—Those who voted in the negative are, messrs Baker, Boyd, Chiles, Clough, Coker, Collins, Coopwood, Faulk, Gayle, George, Herbert, Hickman, Hogan, Hogg, Jackson, Kilpatrick, King of M. Lane, Lea, McClellan, McVay, Meredith, Moore of M. Moore of W. Morphee, Philpot, Rather, Riddle, Ross, Rugeley, Scott, Stephens, Townsend, Ward, Williams, and Young—36.

Mr Young moved to refer the bill and report to the judiciary committee; which was carried.

Mr Dillett, from the judiciary committee to whom was referred a resolution directing them to inquire into the expediency of granting new and additional powers to justices of the peace, reported that it would be inexpedient to add any further powers or to increase the powers already possessed by justices of the peace. Mr Coopwood moved that the report lie on the table; which was carried.

Mr Dillett, from the judiciary committee to whom was referred a resolution directing said committee to inquire in the expediency of reducing the fees of justices of the peace and constables, reported that the late laws upon the subject of the resolution render further legislation thereon at this time unnecessary and inexpedient. Mr Mobley moved that the report lie on the table; which was lost. It was then concurred in by the House.

Mr Dillett, from the judiciary committee to whom was referred a resolution directing them to inquire into the expediency of requiring the Governor of the State of Alabama to reside at the seat of government, reported that as the subject of the resolution is embraced by a bill now before the House, it is unnecessary the committee should at this time act thereon, and ask leave to be discharged from the further consideration thereof; which was granted.

Mr Speaker laid before the House sundry documents in the case of the contested election from the county of Monroe; which were severally read and referred to the committee on privileges and elections.

Mr Philpot presented the account of John E. Irwin; which was read and referred to the committee on propositions and grievances to consider and report thereon.

Mr Coopwood presented the memorial of Jack Shackelford, receiver of public moneys at Courtland, praying that such allowance be made him to indemnify him against the losses which he has been subjected to in consequence of having to make his deposits in the State Bank; which was read and referred to a select committee, consisting of messrs Coopwood, Moore of M. and Philpot.

Mr Durand presented the petition of sundry citizens of the city of Mobile, praying the passage of a law to establish an Academy in the vicinity of the city of Mobile, to be styled the "Pine land Academy;" which was read and referred to the committee on education.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, a bill entitled an act to change the name of Henry Dudley, which originated in the Senate.

Mr Coopwood moved to suspend the consideration of the orders of the day for the present; which was lost.

The House then proceeded to the orders of the day. The bill entitled an act to change the name of a certain person therein named, was read a second time. Mr Coopwood moved its reference to the committee on propositions and grievances; which was lost. It was then ordered to be engrossed for a third reading on to-morrow.

Bills from the Senate of the following titles, to wit: An act for the relief of James G. Lyon, clerk of Mobile circuit court; and, an act to run and mark out the line from Hartgrove's old place, to Dunn's old place, between the counties of Jefferson and Blount; were severally read a third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act to appoint commissioners to select a site for the seat of justice in the county of Autauga, and for other purposes, was read a third time. Mr Brodnax moved to amend the bill by adding thereto an additional section, No 12, by way of engrossed rider; which was adopted. The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bills of the following titles, to wit: An act authorizing and legalizing the registration of deeds not heretofore recorded in the legal time; an act to authorize the county court of Dale county to sell certain public buildings therein named; an act to authorize Richard Darby to emancipate a certain slave therein named; and, an act to compensate George M. Taylor for expenses incurred in the prosecution of David M. Southson, charged with murder; were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill from the Senate entitled an act to authorize the register of the land office at Courtland to correct mistakes in the prices of lands, was read a second time and ordered to be read a third time to-morrow.

The bill from the Senate entitled an act for the relief of Joshua Hardin, was read a second time. Mr Lawler moved its reference to a select committee; which was carried: whereupon messrs Lawler, King of J. and Hudson, were appointed.

The bill entitled an act to exempt the Huntsville guards from working on roads and streets, was read a second time. Mr Acklen moved its reference to the representation from the county of Madison; which was carried.

The bill entitled an act for the relief of Edmund Prince, was read a second time. Mr Mardis moved its reference to the judiciary committee; which was carried.

The bill entitled an act to establish an additional election precinct in the county of Madison, was read a second time. Mr Acklen moved that the bill be referred to the committee on privileges and elections; which was carried.

The bill entitled an act for the relief of Martha Williams, was read a second time. Mr Hudson moved to amend it by way of the following proviso: "Provided said property be purchased with the money and effects of said Martha Williams, and not out of the money or effects of her husband. Mr Lawler moved to amend Mr Hudson's amendment by striking out the words "with the money and effects of the said Martha Williams and;" which was carried. Mr Hudson then asked leave to withdraw the amendment, which was granted. Mr Lawler then offered the said amendment; which was adopted. The bill was then ordered to be engrossed for a third reading to-morrow.

The bill entitled an act to emancipate certain slaves therein named, was read a second time. Mr Hudson moved to refer the bill to the committee on propositions and grievances; which was carried.

Mr Moore of M. called up the bill entitled an act to alter and change the time of holding the county courts of the county of Pickens; it was read the second time. Mr Gilbreath moved to amend the bill by adding thereto two additional sections; which was carried. Mr Acklen moved its reference to a select committee: it was accordingly referred to the representation from the counties of Pickens and Jack on.

Mr Coopwood, from the select committee to which was referred the petition of Thomas E. Tartt, reported a bill to be entitled an act for the relief of Thomas E. Tartt; which was read a first time and ordered to be read a second time to-morrow.

Mr Massey obtained leave to introduce a bill to be entitled an act to authorize John L. Pearson, of St Clair county, to erect a mill and other water works in said county; which was read a first time and ordered to be read a second time to-morrow.

And then the House adjourned till to-morrow morning at 10 o'clock.

Friday, Nov. 26, 1830.—The House met pursuant to adjournment.

Mr Clough presented the petition of Nancy Huff, administratrix of William H. Huff, deceased, praying the passage of a law to authorize the sale of a certain quarter section of land therein mentioned; which was read and referred to the judiciary committee, to consider and report thereon.

Mr Coopwood presented the record and proceedings of the circuit court of Lawrence county in the case of Jane Norton against John Norton, for divorce; which was read and referred to the committee on divorce and alimony.

Mr King of J. presented the record and proceedings of the circuit court of Jefferson county in the case of James Rockett against Elizabeth Rockett, for divorce; which was read and referred to the committee on divorce and alimony, to consider and report thereon.

Mr Cunningham presented the petition of Henry Williams of Lauderdale county, praying the passage of a law to authorize the register of the land office at Courtland to sell to said Henry Williams certain lands therein described; which was read and referred to the committee on lands appropriated for internal improvement, to consider and report thereon.

Mr King of J. presented the account of Lemuel G. M'Millan and others

which was read and referred to the committee on accounts to consider and report thereon.

Mr Cunningham, from the select committee to which was referred the petition of the administrators of John Barron, deceased, reported a bill to be entitled an act to authorize the administrators of the estate of John Barron, deceased, to sell a certain negro man slave Primus, which belongs to the estate of said deceased; which was read a first time and ordered to be read a second time to-morrow.

Mr Lawler, from the committee on roads, bridges and ferries, to which was referred a resolution instructing them to inquire into the expediency of so amending the road law as to require township and section lines to be kept open whenever a majority of the citizens of the settlement require it for the convenience of private ways, reported that it is unnecessary to legislate on the subject. Mr Rather moved that the report lie on the table; which was lost: it was then concurred in.

Mr Lawler, from the same committee to which was referred the bill entitled an act to establish a bridge across the Conecuh river in Covington county, reported the same without amendment. Mr Lawler then moved that the further consideration of the bill be postponed to the first day of March next; which was carried.

Mr Shortridge, from the committee on divorce and alimony, to which was referred sundry records of divorce, reported a bill to be entitled an act to divorce certain persons therein named; which was read a first time and ordered to be read a second time to-morrow.

On motion of Mr Mobley: *Ordered*, that Mr Clough be added to the committee appointed on the bill entitled an act to secure to citizens the right of being sued in the beat of his or her residence, in civil cases under the jurisdiction of justices of the peace.

On motion of Mr Hudson: *Ordered*, that Mr Musgrove be added to the committee on Indians and Indian affairs.

Mr Clark from the select committee appointed to respond to so much of the message of his Excellency the Governor congratulating the legislative body on the late triumph of liberal principles, and the rights of man over despotism, by the people and nation of France, and on the conspicuous part which the Nation's Guest had therein, reported the following resolutions, which were adopted: *Resolved unanimously*, that the congratulatory sentiments expressed by his Excellency the Governor, in his message to the present General Assembly on the late triumph of liberal principles and the rights of man by the people and nation of France over despotism, and the conspicuous part which the "Nation's Guest" had therein, are but expressive of the feelings and sentiments of every individual member of this House, and cannot fail to be those of every citizen of Alabama. *Resolved, further*, that the members of this House view with the most lively interest and feelings, the prospect of future happiness and prosperity of the people of France under their new and happily defined constitutional government. *Resolved further*, that in the opinion of this House, General La Fayette is justly entitled to the congratulations and thanks of every friend of free and constitutional government, for the firm and dignified stand he has taken in causing the new order of things in his country to be observed and respected by the different conflicting political parties, and in being highly instrumental in procuring for his nation a government of laws and limitations of the power of the French King and nobility.

Mr Lawler, from the select committee to which was referred the bill from the Senate entitled an act for the relief of Joshua Hardin, reported the same without amendment. Mr Hudson moved that the further conside-

ration of the bill be postponed to the first day of August next; which was carried. Yeas 37—Nays 34.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Acklen, Baker, Boyd, Brodnax, Brown, Clark, Cook, Dillett, Dorant, Everett, Gayle, Hall, Harris, Hickman, Hodges, Hogg, Hudson, Jackson, King of J. King of P. Langford, Massey, Mobley, Moore, of M. Moore of W. Oliver, Philpott, Price, Rather, Richardson, Sanders, Scott, Taylor, Townsend, Williams and Young.—37.—Those who voted in the negative are, messrs Barclay, Chiles, Clough, Coker, Collins, Coopwood, Cunningham, Dabose, Dillahunty, Faulk, George, Gilbreath, Herbert, Hogan, Horton, Kilpatrick, King of M. Lane, Lawler, Lea, Mandis, McCollum, M'Vay, Metcalfe, Morphoe, Morgrove, Riddle, Roberts, Ross, Roreley, Sharridge, Stephens, Walker and Ward.—34.

Mr Taylor, from the select committee to which was referred a bill entitled an act to revive and continue in force an act to incorporate the town of Cahawba, passed Dec 3, 1819, reported the same with an amendment by adding thereto an additional section; which was adopted: it was then ordered to be engrossed for a third reading to-morrow.

On motion of mr Lawler: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of authorizing the circuit or county courts of the several counties in this State to grant orders for the emancipation of slaves, with leave to report by bill or otherwise.

On motion of mr Massey: *Resolved*, that the committee on county boundaries be instructed to inquire into, and report to this House if the territory composing the county of St Clair, has not been reduced below her constitutional limits, and annexed the same to the county of Jefferson contrary to the provisions of the constitution in such cases made and provided.

On motion of mr M'Vay: *Resolved*, that the committee on lands appropriated for internal improvement be instructed to inquire into the expediency of allowing by law settlers on the reservation of lands lying and extending one mile out from the Tennessee river, occupants on their respective settlements, who have not taken what is called floating claims, reserving however for the benefit of the State and the use of improvements which may necessarily be made on said river, such timber, rock, &c. as may be thought necessary, with leave to report by bill or otherwise.

On motion of mr Hudson: *Resolved*, that the judiciary committee inquire into the propriety of enacting a law making the percentage allowed by way of damages on the affirmance of judgement on appeals and writs of error from the county to the circuit courts, the same as on appeals or writs of error from the county or circuit courts to the supreme court, with leave to report by bill or otherwise.

Mr Acklen offered the following resolution: *Resolved*, that the committee on roads, bridges and ferries be instructed to inquire into the expediency of allowing overseers of roads pay for their services; which was lost.

Mr Roberts obtained leave to introduce a bill to be entitled an act more effectually to secure the collection of the public revenue; which was read a first time and ordered to be read a second time to-morrow.

Mr Brodnax called up the bill entitled an act more effectually to secure trials in capital cases, by impartial jurors. Mr Oliver moved that the bill be referred to a select committee, which was carried; whereupon messrs Oliver, Clark and Brodnax were appointed.

On motion of mr Roberts: *Resolved*, that the Comptroller of Public Accounts be instructed to lay before this House an exhibit, shewing the present Seat of Government fund, the amount of disbursements actually made on account of the State Capitol, and from what particular fund or source of revenue said disbursements have been made.

On motion of mr Boyd: *Resolved*, that the judiciary committee be in-

structed to inquire into the expediency of so amending and altering the law as to prevent the defendant from being a competent witness to prove a usurious consideration where the plaintiff in action has deceased.

On motion of Mr Shortridge: *Resolved*, that the committee on county boundaries be instructed to inquire into the expediency of altering the line which divides the counties of Bibb and Tuscaloosa, and that they report by bill or otherwise.

On motion of Mr Rather: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of passing some law requiring clock peddlars to get a license as other peddlars are required to do, and report by bill or otherwise.

On motion of Mr Clarke: *Resolved*, that the judiciary committee inquire into the propriety of inserting in the bill already referred to said committee, which has for its object, the establishment of a separate Supreme Court, a section fixing the salaries of Circuit Court Judges hereafter to be elected or appointed, at twelve hundred dollars per annum, in the event of the establishment of a separate Supreme Court.

Mr Rugely obtained leave to introduce a bill to be entitled an act more effectually to secure the payment of jurors in the county of Lowndes; which was read a first time and ordered to be read a second time to morrow.

Mr Townsend obtained leave to introduce a bill to be entitled an act to change the time of holding the County Courts in Pike county; which was read a first time and ordered to be read a second time on to morrow.

Mr Speaker laid before the House a communication from the Secretary of State, which is as follows:

SECRETARY OF STATE'S OFFICE, TUSCALOOSA, Nov. 26, 1830.

SIR: I have the honor to inform you, that since my last communication transmitting the returns of the different sheriffs on the resolution proposing biennial sessions, I have received the return of the sheriff of Montgomery county, which I herewith lay before you. I am your obedient servant,

JAMES I. THORNTON.

HON. JAMES PENN, *Speaker of the House of Representatives.*

The return was then referred to the joint committee on that subject.

On motion of Mr Acklen: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of so altering the existing laws in relation to witnesses and depositions as to make it lawful, to take the deposition of witnesses who reside in this State, out of the county wherein the suit in which they had to testify is pending, with leave to report by bill or otherwise.

Mr Moore of M. presented the account of Daudridge Fariss; which was read and referred to the committee on accounts.

The House then proceeded to the consideration of the orders of the day.

The bill from the Senate entitled an act for the relief of certain persons therein named was read a second time and ordered to be read a third time to morrow.

E. grossed bills of the following titles, to wit: an act to change the name of certain persons therein named, and an act for the relief of Martha Williams, were severally read a third time and passed. *Ordered*, that the titles be as aforesaid, and that they be sent to the Senate for their concurrence.

The bill from the Senate entitled an act to authorize the register of the land office at Courtland, to correct mistakes in the prices of lands, was read a third time. Mr Coopwood moved its reference to the committee on lands appropriated for internal improvement; which was carried.

The bill entitled an act for the relief of Thomas E. Tartt, was read a second time and referred to a select committee, consisting of messrs Coopwood, Dillahunty and Scott.

The bill entitled an act to authorize John L. Pearson, of St Clair county, to erect a mill and other water works in said county, was read a second time and referred to the committee on inland navigation.

Mr Choopwood, from the select committee to which was referred the petition of Jack Shackelford, reported a bill to be entitled an act to compensate Jack Shackelford, receiver of public moneys at the land office at Cortland, for certain services therein named; which was read a first time and ordered to be read a second time to-morrow.

Mr Riddle obtained leave to introduce a bill to be entitled an act to compensate the commissioners of roads and revenue for the county of Greene, for their services; which was read a first time and ordered to be read a second time to-morrow.

On motion of Mr King of J: *Resolved*, that the committee on county boundaries, to which has been referred a resolution to inquire if St Clair county has its constitutional limits, be further instructed to inquire into the propriety of having St Clair county accurately surveyed by the surveyors of Jefferson and St Clair counties; the county of St Clair encountering the expense to ascertain correctly if St Clair county has a less number than nine hundred square miles, with leave to report by bill or otherwise.

On motion of Mr Cook: *Resolved*, that the committee on ways and means be instructed to inquire what amendments are necessary in the revenue laws, so as to effect a more certain collection of the taxes upon the several items of taxable property, with leave to report by bill or otherwise.

And then the House adjourned until to-morrow morning 10 o'clock.

Saturday, Nov. 27, 1830.—The House met pursuant to adjournment.

A message from the Senate by Mr Gayle: Mr Speaker—I am instructed by the Senate to inform you, that they have concurred in the amendment made by your hon: body, to a bill which originated in their House, entitled an act to appoint commissioners to select a site for the seat of justice in the county of Autauga, and for other purposes.

Mr Murphree presented the petition of sundry inhabitants of Blount county, praying the removal of an election precinct therein named; which was read and referred to the committee on privileges and elections.

Mr Young presented the account of Samuel J. Bagby; which was read and referred to the committee on accounts.

Mr Shortridge, from the judiciary committee, to which was referred a resolution in regard to sheriffs of certain counties, returning a list of qualified jurors at different times than those now prescribed by law, reported a bill to be entitled an act requiring the sheriff of Tuscaloosa county, to return a list of the qualified jurors in his county, at different times than those now prescribed by law; which was read a first time and ordered to be read a second time on Monday next.

Mr Moore of M. from the select committee, to which was referred the petition of Henry Brazleton and others, reported a bill to be entitled an act to authorize Henry Brazleton, administrator of the estate of Joel Ledbetter, deceased, to convey a certain tract of land therein named; which was read a first time and ordered to be read a second time on Monday next.

Mr Clark, from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of township 20, range 5, west, in the county of Tuscaloosa, praying further time to be given by legislative enactment, to E. W. Thomas, Meredith Moses and Daniel Davis, purchasers of separate parts of the 16th section of said county, reported that it is inexpedient to legislate thereon. Mr Shortridge moved

to amend the report by striking out the word "inexpedient," to insert in lieu thereof the word "expedient," which was lost. The report was then concurred in.

Mr HUDSON, from the select committee, to which was referred the bill entitled an act authorizing a jury to be drawn to attend the County Court of Franklin and Morgan counties, reported the following amendments in the 1st section, 3d line; strike out the word "said," and insert in lieu thereof the word "the," and by inserting at the end of said line after the word "counties," these words, "of Franklin, Bibb, Shelby and Morgan," and by inserting at the end of the 2nd section these word, "of said counties respectively," and by adding thereto sundry additional sections. *Ordered*, that the House concur in the three first amendments to the bill. Mr Clark then moved that the bill lie on the table; which was carried.

A message was received from the Governor, by James I. Thornton.

November 26, 1830.

MR SPEAKER: I am instructed by the Governor to inform your honorable body, that he did on the 24th inst. approve and sign an act to repeal so much of an act of the General Assembly of the State of Alabama, passed at the session of 1827, as relates to, and provides for the building of a Poor House in the county of Autauga, and the manner of supporting the paupers of said county, and for other purpose, which originated in the House of Representatives.

Mr Coopwood, from the select committee, to which was referred the bill entitled an act for the relief of Thomas E. Fartt, reported the same without amendment. It was then ordered to be engrossed for a third reading on Monday next.

Mr Dillett, from the judiciary committee, to whom was referred the bill entitled an act for the relief of Edmund Prince, reported the same without amendment and are of opinion the bill ought to pass: it was then ordered to be engrossed and read a third time on Monday next.

The same committee to whom was referred the bill entitled an act amending an act, relating to the duties of grand juries, approved December 3, 1827, reported the same without amendment; that in the opinion of the committee, the laws now in force on the subject of the bill, are sufficient. Mr Gayle then moved that it be indefinitely postponed; which was carried.

The same committee to whom was referred the bill entitled an act to compel non-resident plaintiffs to give security for costs, reported the same without amendment, and that the committee are of opinion said bill ought not to pass. Mr Richardson moved that the bill be indefinitely postponed; which was carried.

Mr Clark, from the select committee, to whom was referred the bill entitled an act to secure to citizens the right of being sued in the beat of his or her residence, in civil cases under the jurisdiction of justices of the peace, reported the same as amended, by striking out all after the enacting clause, and substituting another in lieu thereof. Mr Mobley moved to amend the 1st section of the bill by inserting after the word "reside," the words "or in the beat where the plaintiff resides, if within the county;" which was adopted. Mr Taylor moved that the further consideration of the bill be postponed to Monday next; which was carried.

The House then proceeded to the orders of the day.

The bill entitled an act to authorize the administrators of the estate of John Barron, deceased, to sell a certain negro man slave named Primus, which belongs to the estate of said deceased, was read a second time.

Mr Gayle moved that the bill be referred to the judiciary committee; which was carried.

The bill entitled an act to divorce certain persons therein named, was read a second time. Mr Hudson moved to refer it to the committee on divorce and alimony; which was carried.

The engrossed bill entitled an act to revive and continue in force an act to incorporate the town of Cahawba, passed December 3, 1819, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act more effectually to secure the collection of the public revenue, was read a second time. Mr Hudson moved to refer the bill to the committee on ways and means; which was carried.

The bill entitled an act more effectually to secure the payment of jurors in the county of Lowndes, was read a second time and ordered to be engrossed for a third reading on Monday next.

The bill entitled an act to change the time of holding the County Courts in Pike county, was read a second time. Mr Townsend moved that the bill be referred to a select committee; which was carried: whereupon messrs Townsend, Jackson and Dubose were appointed.

The bill from the Senate entitled an act for the relief of certain persons therein named, was read a third time.

Mr Clark moved that the further consideration of the bill be postponed for half an hour; which was carried.

On motion of Mr Clark: *Resolved*, that the Senate be now invited to repair to the Hall for the purpose of going into the election of Secretary of State. *Ordered*, that the clerk acquaint the Senate therewith. The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two houses then proceeded to the election of a Secretary of State. James I. Thornton being in nomination. For James I. Thornton, 93 votes.

Those who voted for James I. Thornton, are messrs President, Abercrombie, Anderson, Bridges, Canner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Iwin, Jackson, Merriwether, Minton, Perry, Pickett, Powell, Smith, Vining and Waldhal of the Senate—Mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Cook, Coopwood, Cunningham, Dubose, Delahanty, Dillet, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, McCollum, McVay, Metcalfe, Mobley, Moore of M. Moore of W. Maphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Roberts, Ross, Rugeley, Saunders, Scott, Shortridge, Stephens, Taylor, Townsend, Walker, Ward, Williams and Young.

James I. Thornton having received all the votes given, Mr Speaker therefore declared him duly elected Secretary of the State of Alabama, for the next ensuing two years, and then the Senate withdrew.

The House then resumed the consideration of the bill entitled an act for the relief of certain persons therein named. Mr Taylor called for the previous question, and the question was, Shall the main question be now put? it was determined in the affirmative: and the question being put, Shall the bill pass? it was determined in the affirmative. Yeas 46—Nays 23.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Clark, Coker, Cook, Coopwood, Dillet, Durand, Everett, Faulk, Gayle, George, Gilbreath, Harris, Herbert, Hickman, Horton, Jackson, Kilpatrick, King of M. King of P. Lane, Lea, Mardis, Massey, McCollum, Mobley, Moore of W. Musgrove, Oliver, Riddle, Richardson, Roberts, Ross, Rugeley, Sanders, Shortridge, Taylor, Townsend, Williams and

Young — Those who voted in the negative are, messrs Chiles, Clough, Colling, Cunningham, Pillahooty, Hall, Hodges, Hogg, Hudson, King of J. Langford, Lawler, M'Vay, Metcalfe, Moore of M. Murphree, Philpot, Price, Rather, Scott, Stevens, Walker and Ward.

Ordered, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill entitled an act to compensate Jack Shackelford, receiver of public moneys at the land office at Courtland, for certain services therein named, was read a second time. Mr Mardis moved to amend the bill by striking out these words, "and four dollars for each day;" which was carried. Mr M'Vay moved to amend it by striking out of the 1st section, the words "may have travelled, or hereafter." Mr Taylor called for the previous question, which precludes the amendment: And the question was, Shall the main question be now put? which was determined in the affirmative. And the question was on ordering the bill to be engrossed and read a third time; which was carried.

The bill entitled an act to compensate the commissioners of roads and revenue, for the county of Greene, for their services, was read a second time and referred to a select committee, consisting of messrs Riddle, Cunningham and Young.

On motion of mr Hudson, *Resolved*, that the committee on the State Capitol, be instructed to inquire into the expediency of selling the property which was given by the town of Tuscaloosa to this State, for the purpose of aiding the State in the completion of the Capitol, and of making a further appropriation for the purpose of completing said Capitol, with leave to report by bill or otherwise.

Mr M'Vay obtained leave to introduce a bill to be entitled an act authorizing the comptroller of public accounts to draw a warrant as therein expressed; which was read a first time and ordered to be read a second time on Monday next.

Mr Hall offered the following resolution: *Resolved*, that the Secretary of the Board of Internal Improvement, be instructed to report to this House the amount of expenses by the State, for the pay of the Board of Internal Improvement, the amount charged by each member of the board, and for what services performed, and when performed, to the end, that this House may have some data to judge whether the services the State is like to receive is commensurate with the expenditure thereof. Mr Mardis moved to amend the resolution by striking out these words, "each member of the board, and for what services performed, and when performed;" which was lost. The resolution was then adopted.

On motion of mr Hudson, *Resolved*, that the Comptroller of Public Accounts be required to lay before this House all papers which he may have in his possession, relative to the title of lots which were given to this State by the town of Tuscaloosa, for the purpose of aiding said State in completing the State Capitol.

On motion of mr Gayle, *Resolved*, that the judiciary committee inquire into the expediency of passing a law to require the consolidation of causes brought in the Circuit and County Courts, and also, of suits brought to those courts by appeal or otherwise, from the courts of justices of the peace.

On motion of mr Baker, *Ordered*, that mr Massey be added to the committee on Indians and Indian affairs.

On motion of mr Clarke, *Resolved* that the judiciary committee inquire what legislation, if any, is necessary in relation to the proper time, for the return of process of execution, which may be issued from the Orphans' Courts.

On motion of Mr Metcalf: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of reducing the tax of this State, and report by bill or otherwise.

Mr Jackson obtained leave to introduce a bill to be entitled an act more effectually to secure the compensation allowed by law to the jurors in the county of Pike; which was read a first time and ordered to be read a second time on Monday next.

On motion of Mr Herbert: *Resolved*, that a committee of not less than seven be instructed to inquire into the expediency of repealing an act or part of an act passed December 23, 1823, entitled an act to regulate the licensing physicians, and for other purposes therein mentioned; and amend an act entitled an act for the same purpose, passed January 15, 1830, with leave to report by bill or otherwise; whereupon, messrs Herbert, Oliver, Boyd, Hogan, King of J. Roberts and Moore of M. were appointed.

Mr Clark called up the bill entitled an act authorizing a jury to be drawn to attend the County Courts of Franklin and Morgan counties. It was then referred to a select committee, consisting of messrs Clark, Hudson, Rather and Moore of M.

And then the House adjourned to Monday morning at 10 o'clock.

Monday, November 29, 1830.—The House met pursuant to adjournment.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have read three several times, and passed a bill and joint resolution, entitled an act more effectually to secure trials in capital cases by impartial jurors, and joint resolution requesting the Governor to remonstrate against the present policy pursued by the Branch Bank of the United States at Mobile. in which bill and joint resolution they ask the concurrence of your honorable body.

The bill from the Senate entitled an act more effectually to secure trials in capital cases by impartial jurors, was read a first time and ordered to be read a second time on to-morrow.

Joint resolution requesting the Governor to remonstrate against the present policy pursued by the Branch Bank of the United States at Mobile, was read a first time. Mr Baker moved that it lie on the table; which was carried.

Mr Mobley presented the account of Jesse Doyle, jailor of Clarke county; which was read and referred to the committee on accounts, to consider and report thereon.

Mr Shortridge presented the petition of sundry citizens of the town of Tuscaloosa, praying a removal of the Arsenal to some more central point in said town; which was read and referred to the military committee, to consider and report thereon.

Mr King of M. presented the petition of sundry inhabitants of Madison county, praying the passage of a law to authorize Joseph G. Garrett and James W. Hill to build a mill on Paint Rock river; which was read and referred to the several representatives from the counties of Madison and Jackson.

Mr Gayle, from the committee on education, to which was referred the petition of sundry citizens from the county of Mobile, praying an act of incorporation for the visitors and trustees for the pine land academy, reported a bill to be entitled an act to establish an academy in the county of Mobile; which was read a first time and ordered to be read a second time to-morrow.

Mr Harris made the following report: The committee on privileges and elections to which was referred the memorial of William S. Hays, contesting the seat now oc-

cupied by James Dillett, who was returned as a member duly elected from Monroe county, and claiming himself to have been duly elected, have proceeded to investigate the subject and have instructed me to report as follows: That Mr Hays appeared before the committee and insisted on his right to occupy said seat, on the following grounds, to wit: 1st, That Mr Dillett received ten illegal votes from a box known by name of the Cane creek box, or precinct, it being in Clarke county, and on the west side of the Alabama. Second, That many unconstitutional and illegal votes were given at different boxes and precincts in Monroe county for Mr Dillett. Third, That many persons residing in Clarke county, on the west side of the Alabama river came into Monroe and voted for Mr Dillett.

Mr Dillett being requested by the committee to attend, appeared before them, and denied the positions and facts alleged by Mr Hays; and on his part contended that several of the votes counted and allowed to Mr Hays, were illegal votes. Mr Hays then announced himself ready to proceed with the evidence, provided Mr Dillett would admit that he, Mr Dillett, had received ten votes at Cane creek precinct, and six at Garner's precinct, the votes of which precincts had been destroyed by the managers. Mr Dillett called upon the committee to determine first, if the contesting candidate was not by law required to give notice to the managers of those two precincts, within twenty days after the election, that it would be contested. The committee determined that such was the law; whereupon Mr Dillett then made the admission notwithstanding the absence of such notice; and also admitted that Mr Hays received twelve votes at Garner's precinct, as per a list made by the sheriff. The committee then proceeded to examine the votes and the evidence. In relation to the first ground of contest, as to the proof, Mr Hays admitted that the persons who voted at the Cane creek box, were qualified electors, but rested his objection on the fact that the Cane creek precinct was in Clarke county and not in Monroe, and that the persons who voted there resided in the said county of Clarke. Mr Hays introduced as a witness, D. Neal Smith, who deposed that Cane creek precinct was in the county of Clarke, according to his view and construction of the statute. On cross examination, he stated that it was from general report, east of the centre line of township 7, 8, 9 and 10, in range 5. That in a conversation with the sheriff of Clarke county, after managers were appointed to hold the elections, he said he did not know there was an election precinct on Cane creek, and that it was then too late to appoint them. That the authorities of Clarke county had exercised jurisdiction east of the centre line of townships 7, 8, 9 and 10 in range 5, in the instance of the court of judge and commissioners of roads and revenue, granting a licence to W. S. Hays, to keep a ferry, about the first of September or October last. He considered the court which granted the license to be a regular court, from the fact of his seeing persons going to the court; that it was held on a Monday, and as he believed, the first Monday of a month, but does not know if it was a day authorized by law or not. He knew of the fact of the granting the license, from conversation with the judge of the County Court and two of the commissioners. In 1829, the voters at the Cane creek precinct voted under the authority of Monroe county. Mr Smith further stated, that from general report, the said centre line crosses the Alabama river in two different places, and runs a considerable distance on the east side of said river. He never heard that the authorities of Clarke county exercised jurisdiction or claimed territory east of the Alabama river; that all the territory west of the Alabama river and east of the centre line of townships 7, 8, 9, 10 and 11 in range 5, is claimed by both of the counties of Clarke and Monroe, and both exercise jurisdiction over it.

Mr Dillett then introduced as a witness, John Morrisett, who deposed that the voters who voted at the Cane creek precinct in 1830, all lived east of the said centre line and west of the Alabama river, except one who resided in Claiborne. The witness has lived ten years in the neighborhood, and is acquainted with the residence of all the persons who voted at said precinct. He does not know positively who voted at the precinct in 1829. The citizens of this tract, pay their taxes and serve as jurors in Monroe county. The witness has paid his taxes in Monroe county in 1829 and 1830; that he knows of a few instances of persons in Clarke attempting to claim jurisdiction in the disputed territory which was always resisted, and that he never heard it pretended that it was in Clarke county until after the August election in 1829.

On cross examination, he stated he had never seen or traced the said centre line; he knows that it crosses the river once, and has understood that it crosses or touches it at another place. He knows that the Cane creek precinct is east of the centre line, because he lives in the neighborhood, seven miles due east of that line, and has been at the house of every man east of said line and west of the river. The land of the most western man, is bounded by the Clarke line. The witness lives four miles east of the Cane creek precinct, the way the road runs, and it is reputed to be four miles more to the centre line of range 5, the supposed boundary of Monroe county.

Mr Hays filed exceptions to some of the questions propounded to Mr Morrisette, and to some of his answers, for which see the journal of the committee.

Mr William Mobley was then introduced by Mr Dillett, who deposed that he was a member of the Legislature in 1828 and 1829. He understood the boundary line between Clarke and Monroe counties to be the line specified in the act of the 26th of January 1829, and that this was the centre line above mentioned. He understood that officers of both counties had claimed jurisdiction over the disputed territory, and that the people pay their taxes in Monroe county.

Mr Samuel W. Mardis being examined by the committee, deposed as follows: I am requested to say what was my understanding in relation to an act of the Legislature, passed in 1828-9, annexing a part of the county of Monroe to the county of Clarke; and where I understood the line as defined by said act to be. I do not pretend to give a legal construction to the act in question as it now stands, but I have a distinct recollection of what was my understanding at the time the act passed. I did understand that the county of Monroe had territory on the west side of the Alabama river, and that the centre between townships 7, 8, 9 and 10 in range 5, was the line between the counties of Monroe and Clarke and not the Alabama river, that is, to where it crosses the river; and this was the understanding of the Representatives in this House from those counties: at least, they so expressed themselves at the time the law passed.

Gen. Jesse W. Garth being examined by the committee, deposed that the above statement made by Mr Mardis, was to his understanding of the law at the time it was passed, correct, and that he had a distinct recollection that it was intended that Monroe should retain territory west of the river.

A list of votes taken at Claiborne, and said to be illegal, was presented to the committee on behalf of Mr Hays, he being absent, and no proof was offered in support of the objections which was admissible. The committee then sent their messenger to inform Mr Hays that they were in session, and ready to act on such proof as he might offer, and received for reply, that Mr Hays said he had no inclination again to appear before the committee.

It was determined by the committee, that no written testimony should be received except such as came through the post office, according to the requirements of the act of 1827, and they decided that the packets of testimony numbered 1 and 2, were not admissible for that reason, and were rejected.

The vote of Jesse C. Farrar, who voted at Garners precinct, being challenged by Mr Hays as an illegal vote, was from the evidence produced, declared to be an illegal vote. There was no evidence before the committee to prove for whom he voted. Mr Dillett however, admitted that he voted for him, and said vote was rejected. The vote of John Weatherford, who voted at Little river precinct, was challenged by Mr Hays, on account of Indian blood. The challenge was overruled for the want of sufficient proof to sustain it. The vote of ————, which was deposited by mistake in the military box at Claiborne, and which was counted to Mr Dillett, was challenged by Mr Hays. The committee determined that the vote was properly counted by the managers to Mr Dillett. The vote of Milligan Patrick, given at the Burnt corn precinct, for Mr Hays, was challenged for illegality by Mr Dillett, and was by the committee determined to be illegal for want of proper residence. The vote of Jeremiah Griffith given at the same precinct for Mr Hays, was challenged by Mr Dillett, and by the committee was determined to be illegal for want of lawful age. The vote of Francis M. Hugh, given at Burnt corn precinct, and counted to Mr Hays was challenged by Mr Dillett, and was by the committee rejected, because given in fact for Mr Haines. The vote of E. P. Stanley, given at Kir-

ny's Spring precinct for mr Hays, being challenged by mr Dillett, was determined by the committee to be illegal for want of evidence and qualification to vote. The vote of John Crane, given at Godbolds store precinct, for mr Hays, was rejected by the committee on the challenge of mr Dillett, and determined to be illegal, because he had been convicted of the crime of larceny. The vote of Sanford Taylor, who voted at Cliborne for mr Hays, was admitted to be illegal by mr Hays, and therefore rejected. The vote of William P. Bosby, who voted at Kirby's Spring precinct for mr Hays, was challenged by mr Dillett, and was determined by the committee to be illegal, being a deserter from the United States army. For the evidence on the subject of the several votes here above mentioned, see the depositions of witnesses herewith returned.

The committee having gone through the evidence, find, that by the sheriff's return, mr Dillett received in Monroe county, in 1830, for Representative, 384 votes, and that mr Hays received 383 votes; that of the votes which were counted for and allowed to mr Dillett, one was illegal, and of those counted for and allowed to mr Hays, seven were illegal votes, leaving a majority of seven legal votes in favor of mr Dillett, according to the decision of the committee. They further determined that the centre line of townships 7, 8, 9 and 10, in range 5, west of the Alabama river, is the true boundary of Monroe county, and that Cane creek precinct is in Monroe county, according to the true, legal and proper construction of the act entitled an act to extend the limits of Clarke county, passed the 9th of January 1829.

The committee herewith transmit the journal of their proceedings and all the accompanying evidence and documents, which they pray may be considered as a part of this report, and they have instructed me to report, that they recommend the adoption of the following resolution: *Resolved* that the memorial of William S Hays claiming the seat now occupied by James Dillett, as a member from Monroe county, is not sustained by proof, and that the said James Dillett was properly returned as the member elected, and is of right entitled to the seat he now occupies in this House.

Signed,

P. T. HARRIS, *Chairman of the
Committee on Privileges and Elections.*

Mr Coopwood moved that the further consideration of the report and resolution be postponed until to-morrow; which was carried.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled bills of the following titles, to wit: An act to appoint commissioners to select a site for the seat of justice in the county of Autauga, and for other purposes; an act to run and mark out the line from Hartgrove's old place to Dunn's old place, between the counties of Jefferson and Blount; and an act for the relief of James G. Lyon, clerk of Mobile Circuit Court, all of which originated in the Senate.

Mr Riddle, from the select committee, to which was referred the bill entitled an act to compensate the commissioners of roads and revenue of the county of Greene, for their services, reported the same with sundry amendments; which were concurred in. Mr Coopwood moved to amend the bill by adding the county of "Lawrence," after the word "Perry;" which was carried. Mr Taylor moved to amend it by adding after the word "Lawrence," the word "Dallas;" which was carried. The bill was then ordered to be engrossed for a third reading to morrow.

On motion of mr Harris: *Resolved* that William S. Hays be informed, that if he thinks proper, he will be heard at the bar of the House, either by himself or counsel, in the contested election between himself and James Dillett, from the county of Monroe.

On motion of mr Hudson: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of passing a law making justices of the peace liable for failing to take sufficient security on appeals from their judgements to the County or Circuit Courts of this State, and to

compel justices of the peace to give bond and security for the faithful performance of their duties, with leave to report by bill or otherwise.

Mr Philpot obtained leave to introduce a bill to be entitled an act to furnish each commissioner of revenue and roads with the statute of this State; which was read a first time, and ordered to be read a second time to-morrow.

Mr Rather obtained leave to introduce a bill to be entitled an act to authorize James Vest, of Moagan county, to erect a dam across Flint river, in said county; which was read a first time and ordered to be read a second time on to-morrow.

Mr Ward obtained leave to introduce a bill to be entitled an act to form a company beat in Dale county; which was read a first time and ordered to be read a second time on to-morrow.

Mr Ross obtained leave to introduce a bill to be entitled an act to establish certain election precincts therein named; which was read a first time and ordered to be read a second time on to-morrow.

On motion of Mr Riddle: *Resolved*, that the door keeper of this House be authorized and instructed to purchase and hang a green baize curtain around the bannisters of the gallery of the Hall.

Mr Lawler obtained leave to introduce a bill to be entitled an act to allow further time for filing county claims; which was read a first time and ordered to be read a second time on to-morrow.

On motion of Mr Williams: *Resolved*, that the committee on roads, bridges and ferries, be instructed to inquire into the expediency of appointing commissioners to lay out and mark the nearest and best way for a road to be opened, beginning at such point as they may deem proper, on the main road leading from Tuscaloosa to Huntsville, so as to run to the Coosa river at Fort Williams, with leave to report by bill or otherwise.

Mr Coopwood obtained leave to introduce a joint resolution in relation to the transportation of the United States' mail on Sunday; which was read. Mr Everett moved that the further consideration of the resolution be postponed until Monday next; which was lost. Mr Lawler moved that it be postponed until Thursday next; which was carried.

Mr Hogan offered the following preamble and resolution: Whereas, there is much reason to suspect abuse in the use of patent beams in the weighing of cotton for sale, the experience of every shipper of cotton, teaching him great fluctuations in the weight of bales of cotton sold in Mobile, where great care has been taken to secure an uniformity; therefore, *Resolved*, that a select committee be appointed, with instructions to inquire into the grievance, if one exists, with leave to report by bill or otherwise, a suitable remedy; whereupon messrs Hogan, Everett, Cook and Mobley were appointed.

Mr Gayle offered the following as one of the rules for the government of this House:

RULE.—On each day after petitions shall have been received, reports from standing committees shall be made in alphabetical order: and after the reports of the standing and special committees shall be made, the clerk shall call over the counties in alphabetical order, when the members from the different counties as they are called, may submit such bills, resolutions, &c. as they may desire. This rule is not to interfere with the rule in relation to the orders of the day; which lies over for one day.

Mr Gayle obtained leave to introduce a bill to be entitled an act for the relief of securities in constables bonds; which was read a first time and ordered to a second reading on to-morrow.

Mr Taylor presented the account of Thomas Morong; which was read and referred to the committee on the military, to consider and report thereon.

On motion of Mr Moore of M. *Resolved*, that the judiciary committee be instructed to inquire into the expediency of limiting the time after which suits shall not be instituted against sheriffs and their securities, having due regard to the just rights of all parties concerned, with leave to report by bill or otherwise.

On motion of Mr Acklen: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of amending the existing usury laws of this State, with leave to report by bill or otherwise.

On motion of Mr Baker: *Resolved*, that the committee on education be instructed to inquire into the constitutionality and expediency of dividing the University fund, so as to provide for the establishment of preparatory schools in each of the counties of this State.

Mr Clark, from the select committee to whom was referred the bill entitled an act authorizing a jury to be drawn to attend the County Courts of Franklin and Morgan counties, reported the same with sundry amendments; which were severally concurred in. Mr Clark moved to amend the bill by inserting the word 'Madison' after the word 'Shelby,' in the first section; which was carried. Mr Hodges moved to amend the bill further, by adding the word "Lawrence" after the word "Madison," in the first section; which was carried. Mr Dillet then moved that the bill be recommitted to the same committee; which was carried.

The House then proceeded to the consideration of the orders of the day.

The bill entitled an act requiring the sheriffs of Tuscaloosa county to return a list of the qualified jurors in his county, at different times than those now prescribed by law, was read a second time and ordered to be engrossed for the third reading on to-morrow.

The bill entitled an act to authorize Henry Brazleton, administrator of the estate of Joel Ledbetter, deceased, to convey a certain tract of land therein named, was read a second time. Mr Acklen moved that it be referred to the judiciary committee, to consider and report thereon; which was carried.

Engrossed bills of the following titles, to wit: An act for the relief of Thomas E. Tartt; and an act more effectually to secure the payment of jurors in the county of Lowndes, were severally read the third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill entitled an act for the relief of Edmund Prince, was read the third time and passed.. Yeas 46—Nays 20.

The yeas and nays being desired, those who voted in the affirmative are, messrs Acklen, Baker, Barclay, Boyd, Brodnax, Clark, Clough, Coker, Cook, Coopwood, Cunningham, Dubose, Dillahunty, Dillett, Durand, Faulk, Gayle, George, Gilbreath, Herbert, Hickman, Hodges, Horton, Hudson, Jackson, King of J. King of P. Lane, Langford, Lea, Massey, Moore of W. Murphree, Murgrove, Oliver, Philpot, Riddle, Richardson, Roberts, Ross, Rugeley, Sanders, Shortridge, Townsend, Ward, Williams.

Those who voted in the negative are, messrs Speaker, Brown, Collins, Everett, Harris, Hogan, Hogg, Kilpatrick, Lawler, Mardis, M'Collum, M'Vay, Metcalfe, Mobley, Moore of M. Price, Rather, Scott, Stephens, Taylor, Walker and Young.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill entitled an act to compensate Jack Shackelford, receiver of public moneys at the land office at Courtland, for certain services therein named, was read the third time and passed. Yeas 49—Nays 16.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Acken, Baker, Barclay, Boyd, Brodnax, Clark, Coker, Collins, Cook,

Coopwood, Dillahunty, Dillett, Durand, Everett, Faulk, Gayle, George, O'Brien, Harris, Herbert, Hickman, Hodges, Hogan, Horton, Hudson, Jackson, Kipatrick, King of J. King of P. Lane, Lawler, Lea, Maidis, Mobley, Moore of M. Moore of W. Oliver, Philpot, Price, Rather, Richardson, Ross, Rugely, Saunders, Taylor, Townsend, Ward, and Williams.

Those who voted in the negative are messrs Brown, Cunningham, Dubose, Hagg, Langford, Massey, McCollem, M'Vay, Metcalfe, Murphree, Musgrave, Scott, Shortridge, Stephens, Walker and Young.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

On motion of mr Gayle, mr Chiles obtained leave of absence from and after to-morrow, until Friday next.

The bill entitled an act authorizing the comptroller of public accounts to draw a warrant as therein expressed, was read a second time; and on motion of mr M'Vay, was referred to the committee on accounts, to consider and report thereon.

The bill entitled an act more effectually to secure the compensation allowed by law to the jurors of the county of Pike, was read a second time and ordered to be engrossed for the third reading on to-morrow.

Mr Taylor asked leave to be discharged from the committee on privileges and elections; which was granted.

Mr Speaker laid before the House a communication from the comptroller of public accounts; which is as follows:

Tuscaloosa, Nov. 29, 1830.

Hon. Speaker of the House of Representatives,

SIR: I have received a resolution of the honorable body over which you preside, calling on the comptroller of public accounts for all papers in his possession, relative to the titles of lots given to this State by the town of Tuscaloosa, for the purpose of aiding in the erection of a State Capitol; in answer to which I will remark, that as comptroller, I have no such papers in my possession; but in my private character I have, and cheerfully submit them. It is known to you that these papers were unfortunately mislaid for a length of time. Captain James H. Dearing and myself found them last spring in one of the table drawers of the Representative Hall. I felt it due to the State and the character of my town, to preserve them, and had intended to have handed them to the Governor before this time, but have been prevented by the press of official business. The papers appear to be bonds, and are nine in number, which are most respectfully submitted. Your ob't serv't.

HON JAMES PENN. *Speaker.*

GEO W. CRABB.

Mr Clark moved that the said communication, with the accompanying documents, be referred to the committee on the State Capitol, which was carried.

And then the House adjourned until 10 o'clock to-morrow A. M.

Tuesday, November 30, 1830.—The House met pursuant to adjournment.

A message from the Senate by W. Gayle: Mr Speaker—The Senate have read three several times and passed a memorial and resolution to the Congress of the United States, entitled, Memorial to Congress relating to the boundary line between the State of Alabama and West Florida; also, a joint resolution to authorize the appointment of a commissioner to act with such commissioner as may be appointed by the United States to define the line between this State and West Florida; also, a bill entitled an act to prevent the citizens of this State from being sued in civil cases before any justice of the peace out of the beat in which they may respectively reside, in which memorial, resolution, and bill they desire the concurrence of your honorable body. They have also read three several times and passed a bill which originated in the House of Representatives.

entitled an act to amend the act incorporating Marion Academy, in Perry county.

The memorial from the Senate to Congress, relating to the boundary line between the State of Alabama and West Florida; joint resolution from the Senate, to authorize the appointment of a commissioner to act with such commissioner as may be appointed by the United States to define the line between this State and West Florida; and the bill from the Senate, entitled an act to prevent the citizens of this State from being sued in civil cases before any justice of the peace, out of the beat in which they may respectively reside; were severally read a first time and ordered to a second reading to-morrow.

Mr Shortridge presented the petition of sundry citizens of the town of Tuscaloosa, praying the passage of a law to free churches and church lots of all religious denominations, from tax; which was read and referred to a select committee consisting of messrs Shortridge, Williams and Moore of Madison.

Mr Shortridge presented the petition of James Goodwin, praying the passage of a law to emancipate a certain female slave therein named; which was read and referred to the committee on propositions and grievances.

Mr Price presented the petition of sundry inhabitants of Jackson county, praying the passage of a law to remove all mill dams out of Paint rock river, and make it a public highway; which was read and referred to a select committee consisting of the representatives from Madison and Jackson counties.

Mr Rugely presented the petition of the administrators of William Bonnell, deceased, praying the passage of a law to authorize them to make titles to certain lands therein described; which was read and referred to a select committee consisting of messrs Rugely, Baker, Oliver and Taylor to consider and report thereon.

Mr Metcalfe presented the petition of sundry inhabitants of Marion county, praying the removal from office of William H. Ragsdale as judge of said County Court; which was read and referred to the judiciary committee, to consider and report thereon.

Mr Gayle presented the petition of sundry inhabitants of Greene and Perry counties, praying the passage of a law to grant relief to the purchasers of the University lands; which was read and referred to the committee on education to consider and report thereon.

Mr Taylor from the military committee to which was referred the annual return of the Quarter Master General, reported that they have examined and counted the arms at present in the arsenal, and find the number on hand correspond with the report of that officer for the current year, and they find the arms in excellent order and in a good state of preservation.

Mr Acklen, from the judiciary committee to which was referred a resolution instructing them to inquire into the expediency of amending the law now in force for the punishment of the crime of forgery, reported a bill to be entitled an act altering the punishment for the crime of forgery and counterfeiting; which was read a first time and ordered to be read a second time on to-morrow.

Mr Young, from the judiciary committee to which was referred the bill entitled an act to establish a distinct separate Supreme Court, reported the same as amended, by striking out all after the enacting clause, and by substituting another bill in lieu thereof; which was adopted. Mr Coopwood moved that the bill lie on the table and that seventy five copies thereof be printed for the use of this House; which was carried.

Mr Richardson, from the judiciary committee to which was referred a resolution instructing them to inquire into the expediency of so amending the laws made for the relief of insolvent debtors, as to compel each debtor to surrender to the proper officer, all the personal estate, and all the title papers he may hold to any real estate enumerated in his schedule, reported a bill to be entitled an act to amend the laws now in force in this State for the relief of insolvent debtors; which was read a first time and ordered to be read a second time on to morrow.

Mr Clark, from the committee on propositions and grievances, to whom was referred the bill entitled an act to change the names and render legitimate certain persons therein named, reported the same without amendment; the bill was then ordered to be engrossed and read a third time to-morrow.

Mr Shortridge presented the account of the jailor of Tuscaloosa county; which was read and referred to the committee on accounts, to consider and report thereon.

Mr Dillett from the judiciary committee to which was referred a resolution directing them to inquire into the expediency of passing a law compelling the State to pay all the States' witnesses where the State fails to convict, reported that it would be inexpedient to pass the law alluded to in said resolution; in which report the House concurred.

The same committee to which was referred a resolution directing them to inquire into the expediency of authorizing the Circuit or County Courts of the several counties in this State to grant orders for the emancipation of slaves, reported that it is inexpedient to pass the law mentioned in the resolution. Mr Lawler moved to lay the report on the table; which was carried.

The same committee to which was referred the bill entitled an act to authorize the administrators of the estate of John Barron, deceased, to sell a negro man, a slave, named Primus, which belonged to the estate of said deceased, reported the same without amendment, and that it is inexpedient to pass said bill. Mr Coopwood moved that the further consideration of the bill be postponed to the 1st day of March next; which was lost. Yeas 33—Nays 33.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Baker, Clark, Coker, Collins, Cook, Coopwood, Dillett, Durand, Everett, Faulk, Herbert, Hodges, Hogan, Horton, Hudson, Jackson, King of J. King of P. Lane, Lawler, Lea, Mardis, Mobley, Moore of W. Oliver, Rather, Riddle, Richardson, Roberts, Shortridge, Taylor and Young.

Those who voted in the negative are messrs Acklen, Barclay, Boyd, Brown, Cunningham, Dillhanty, Gayle, George, Glibreath, Hall, Harris, Hickman, Hogg, Kilpatrick, King of M. Langford, Massey, M'Collum, M'Vay, Metcalfe, Moore of M. Murphree, Philpot, Price, Ross, Rugeley, Sanders, Scott, Stephens, Townsend, Walker, Ward and Williams.

Mr Baker then moved to postpone the bill to the first day of February next. Mr Speaker decided that mr Baker's motion was out of order, inasmuch as the House had just decided a similar motion; from which decision mr Baker appealed, and the decision of the Speaker was sustained. Mr M'Vay then moved that the bill be referred to a select committee; which was carried; whereupon messrs M'Vay, Gayle, George and Cunningham, were appointed said committee.

Mr Harris called up the resolution reported by the committee of privileges and elections, in the case of the contested election from Monroe county. Mr Harris then moved the adoption of the resolution reported by the committee. A question arose whether mr Dillett or mr Hays had

the affirmative side of the question now under consideration; which was decided by Mr Speaker in favor of Mr Dillett; from which decision Mr Coopwood appealed, and the decision of Mr Speaker was sustained by the House. Mr Gayle then moved that the further consideration of the resolution be postponed until to-morrow; which was carried.

Mr Gayle called up the rule proposed on yesterday. Mr Mardis moved that the further consideration of the rule be postponed to the first day of March next; which was lost. Mr Clark then offered the following amendment: "*Provided*, if any committee or county shall not be called on one day, the call the next day shall commence at that committee or county;" which was adopted. Mr Clark moved further to amend it by striking out the word "Clerk," with the view to insert the word "Speaker;" which was carried.

Mr Roberts called for the previous question; and the question was, Shall the main question be now put? which was determined in the affirmative. And the question being put, Shall this rule be adopted? It was terminated in the affirmative. Yeas 34—Nays 32.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Boyd, Clark, Collins, Coopwood, Dillabunt, Durand, Everett, Faulk, Gayle, George, Hodges, Hogan, Horton, Kilpatrick, King of J. Lane, Langford, Lea, McVay, Mobley Moore of M. Moore of W. Musgrove, Rather, Riddle, Roberts, Ross, Scott, Shortridge, Taylor, Townsend, Ward and Williams.

Those who voted in the negative are messrs Acklen, Baker, Barclay, Brodnax, Brown, Coker, Cook, Dillett, Gilbreath, Hall, Harris, Herbert, Hickman, Hogg, Hudson, Jackson, King of M. King of P. Lawler, Mardis, Massey, McCollum, Micalfe, Murphree, Oliver, Philpot, Richardson, Rugeley, Sanders, Stevens, Walker and Young.

Mr Acklen moved to suspend the orders of the day for the present; which was carried.

Mr Acklen called up the petition in relation to building a mill on Paint Rock river; it was referred to the several representatives from Madison and Jackson counties.

The House then proceeded to the orders of the day.

The bill from the Senate entitled an act more effectually to secure trials in capital cases by impartial jurors, was read a second time. Mr Mobley moved to refer it to the judiciary committee; which was lost. Mr Acklen moved to lay it on the table; which was carried.

Bills of the following titles, to wit: An act to establish an academy in the county of Mobile; an act to furnish each commissioner of revenue and roads, with the statutes of this State; and an act to allow further time for filing county claims; were severally read a second time and ordered to be engrossed for a third reading to-morrow.

The engrossed bill entitled an act to compensate the commissioners of roads and revenue of the counties of Greene, Lauderdale, Perry, Lawrence and Dallas, for their services, was read a third time. Mr Conner moved that the bill lie on the table; which was carried.

The bill entitled an act to authorize James Vest, of Morgan county, to erect a dam across Flint river, in said county, was read a second time. Mr Hudson moved that the bill be referred to the committee on inland navigation; which was carried.

The bill entitled an act to form a company beat in Dale county, was read a second time. Mr Taylor moved to refer it to the military committee; which was carried.

The bill entitled an act to establish certain election precincts therein named, was read a second time and referred to the committee on privileges and elections.

The bill entitled an act for the relief of securities in constable's bonds, was read a second time. Mr Hudson moved to refer it to the judiciary committee; which was carried.

Engrossed bills of the following titles, to wit: An act more effectually to secure the compensation allowed by law to jurors therein mentioned; and an act requiring the sheriff of Tuscaloosa county to return a list of the qualified jurors in his county, at different times than those now prescribed by law; were severally read a third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Speaker laid before the House a communication from the Secretary of State, which is as follows:

SECRETARY OF STATE'S OFFICE, Nov. 30, 1830.

Hon James Penn, Speaker of the House of Representatives.

SIR—In compliance with a resolution of the House of Representatives, of the 24th inst. instructing the Secretary of State to make an exhibit, shewing the number and description of arms and accoutrements received from the United States under an act of Congress distributing arms to the several States, accompanied by an exhibit shewing what disposition has been made of any portion of the arms, &c. by the different executives, I have the honor to transmit the following statement, which is as correct an exhibit as this office can furnish. The number of arms received by the State of Alabama for the years herein stated, is as follows, viz:

From the 31st of January 1816, to the 31st of December 1822, 1416 muskets; from 31st December 1822, to 1826 inclusive, 1113 muskets, 634 pistols and 211 swords; from 1826, to 1828, 651 muskets, 120 rifles, 4 six pounders, (cannon) 500 swords. Total, 3180 muskets, 120 rifles, 634 pistols, 4 cannons, 711 swords.

Arms distributed by the different Executives—By acting Governor Thomas Bibb in 1821, 75 muskets to 22d Regiment. By Governor Pickens in 1822, 52 muskets to 3d Regt; in 1823, 49 muskets to 2d Regt. By Governor Murphy in 1826, 60 muskets to 4th Regt.; 68 to 38th Regt.; in 1827, 55 to 9th Regt.; 65 to 37th Regt., 72 muskets, 50 swords to 12th Brigade; in 1828, 18 pistols, 70 swords to 44th Regt.; in same year, 12 pistols, 50 swords to 44th Regt.; 50 muskets, 48 swords to 16th Regt.; 80 pistols, 80 swords to 33d Regt; 60 swords to 26th Regt; 40 rifles to 9th Regt.; 48 muskets to 48th Regt.; 37 to the same; 40 swords to 37th Regt.; 50 to 3d Regt.; 50 to 30th Regt.; in 1829, 80 muskets to 3d Regt.; 30 swords to 26th Regt.; 50 to 38th Regt. By Governor Moore, in 1829 70 muskets to 17th Regt; 120 to 13th Regt.; in 1830, 1 six pounder and accoutrements to 11th Regt.; 1 six pounder and accoutrements to 37th Regt. Total, 891 muskets, 40 rifles, 120 pistols, 578 swords. I have the honor to be, with great respect, your obedient servant,

JAMES I. THORNTON.

On motion of mr Taylor, the said communication was referred to the committee on the military to consider and report thereon.

On motion of mr Hudson, mr Harris was added to the committee on the State Capitol.

On motion of mr Taylor, mr Lea was added to the committee on the military.

Mr Roberts offered the following resolution: *Resolved*, that the door keeper of this House be instructed to procure a sufficient quantity of green baize or some other cheap material to form hangings for the windows in the Representative Hall. Mr Clark moved to amend the resolution by inserting the word *west* before the word windows, which was lost; the resolution was then adopted.

And then the House adjourned till 10 o'clock to-morrow, A. M.

Wednesday, Dec. 1st, 1830.—The House met pursuant to adjournment.

A message was received from the Senate by mr Gayle: Mr Speaker—The Senate have instructed me to inform you that they have adopted the

following resolution, in which they desire the concurrence of your honorable body: *Resolved*, that with the concurrence of the House of Representatives, the two Houses of the General Assembly will adjourn *sine die* on the 18th of December of the current year. Mr Brown moved that the resolution lie on the table; which was carried.

Mr Speaker laid before the House, the annual report of the Treasurer; which was read and laid on the table. *Ordered*, that one hundred and fifty copies thereof be printed for the use of this House.

Mr Speaker laid before the House a report from the Secretary of the Board of Internal Improvement; which was read and laid on the table.

Mr Conner moved that three hundred copies of said report be printed for the use of this House; which was carried.

Mr Speaker laid before the House the annual report of the Comptroller of Public Accounts; which was read and laid on the table. *Ordered*, that two hundred copies thereof be printed for the use of this House.

Mr Shortridge presented the memorial of the commissioners appointed to establish the line between the counties of Tuscaloosa, Greene and Pickens on that subject; which was read and referred to a select committee, consisting of the several representatives of said counties.

A communication from the Governor, by James I Thornton, which is as follows:

EXECUTIVE DEPARTMENT, Dec 1st, 1830.

The Hon. the Speaker and Members of the House of Representatives.

Gentlemen: The act entitled an act to establish a Board of Internal Improvement for the State of Alabama, having vested the interest of the three per cent fund in that Board, and made it entirely subject to their control, I recommend to your legislative consideration, the propriety of some enactment providing for the payment of the expenses which have been and are likely to be incurred in the execution of the law passed at the last session of the General Assembly, appointing commissioners to mark and lay out a road therein specified. Some of the gentlemen commissioners appointed in pursuance of this law, have reported a performance of their duty, and applied for their compensation, for the payment of which there is no authority under existing laws. I have received the resignation of the Hon. G. W. Brame, Judge of the county court of Perry county. I have the honor to be,

(Signed)

GABRIEL MOORE.

Ordered, That said communication lie on the table.

Mr Conner presented the memorial of sundry officers of the 20th regiment, 6th brigade and 3rd division, praying a division of said regiment; which was read and referred to the military committee to consider and report thereon.

On motion of Mr Young; *Resolved*, that with the concurrence of the Senate, the two Houses will assemble in the Representative Hall on to-morrow at twelve o'clock, for the purpose of electing a judge of the county court of Perry county, to fill the vacancy occasioned by the resignation of the Hon. George W. Brame.

Mr Gayle moved to suspend the rule which requires reports from the several committees to be made; which was carried.

On motion of Mr Gayle, the House resumed the consideration of the resolution reported by the committee on privileges and elections, in the case of the contested election from Monroe county, and after some time spent in the consideration of the same, Mr Conner moved that the further consideration of said resolution be postponed until to-morrow; which was carried.

Mr Harris moved to suspend the orders of the day until to-morrow; which was carried.

Mr Taylor moved that the House now adjourn until to-morrow morning at 10 o'clock: which was carried. Yeas 33.—Nays 27.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Baker, Barclay, Boyd, Brodnax, Brown, Conner, Dabose, Dillett, Dmand, Faulk, Gayle, Gilbreath, Harris, Herbert, Hogan, Lane, M'Cullum, Metcalfe, Oliver, Price, Riddle, Richardson, Rugeley, Sanders, Scott, Shortridge, Stephens, Taylor, Walker, Ward, Williams and Young.

Those who voted in the negative are, Messrs Clark, Clough, Coker, Collins, Coopwood, Cunningham, Hall, Hodges, Hogg, Horton, Hudson, Jackson, Kilpatrick, King, of M. King, of P. Langford, Lawler, Lea, Mardis, Massey, McVay, Moore of M. Musgrove, Philpot, Rather, Ross, and Townsend.

And then the House adjourned.

Thursday, Dec. 2, 1830.—The House met pursuant to adjournment.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have read three several times and passed a bill to be entitled an act extending relief to Daniel Davis, Meredith Moses and E. W. Thomas; in which they desire the concurrence of your honorable body. They have also concurred in the resolution adopted by the House of Representatives on yesterday, proposing to go into the election of a judge of the County Court of Perry county, on to-day at 12 o'clock; and have amended the same by striking out the word "*twelve*" and inserting in lieu thereof the word *eleven*, so as to go into the election of a judge of the County Court of Perry on to-day at the hour of eleven o'clock; in which amendment they desire the concurrence of your honorable body. Mr Mobley moved to amend the amendment made by the Senate to the resolution, by striking out the word "*eleven*," to insert the word *three*; which was lost. The amendment was then concurred in.

The bill from the Senate entitled an act extending relief to Daniel Davis, Meredith Moses and E. W. Thomas, was read a first time and ordered to a second on to-morrow.

A message was received from the Senate by Mr Lyon: Mr Speaker—The Senate concur in the resolution of your honorable body, proposing to go into the election of a Senator to the Congress of the United States for the term of six years, commencing from and after the 4th of March next, and have amended the same by striking therefrom the words "this day at the hour of 1 o'clock P. M." and inserting the words "on Friday the 3d of December instant, at the hour of 11 o'clock," so as to proceed to the election of a Senator on to-morrow, Friday the 3d instant; in which amendment they respectfully ask the concurrence of the House of Representatives.

Mr Moore of M. moved to postpone the further consideration of the resolution until to-morrow at 10 o'clock; which was carried.

Mr Riddle presented the petition of sundry inhabitants of Greene county, in relation to the State road from Greensborough to Montevallo; which was read and referred to the committee on roads, bridges and ferries.

Mr Young presented the petition of sundry inhabitants of Perry county in relation to the same subject as the petition presented by Mr Riddle; it was read and referred to the committee on roads, bridges and ferries.

Mr Rugeley presented the petition of sundry inhabitants of Lowndes county, praying the passage of a law to incorporate the town of Hayneville in said county; which was read and referred to a select committee, consisting of messrs Rugeley, Baker and Oliver, to consider and report thereon.

Mr Stephens presented the petition of A. Vanzant, of Jackson county, praying the passage of a law to authorize the courts of roads and revenue of said county to levy a special tax for certain purposes therein named;

which was read and referred to a select committee, consisting of messrs Stephens, Gilbreath, Price and Barclay.

Mr Speaker laid before the House the record and proceedings of the Circuit Court of Lauderdale county, in the case of Martha Robertson against John Robertson for divorce; which was read and referred to the committee on divorce and alimony to consider and report thereon.

Mr Acklen moved to suspend the rule requiring committees to make reports; which was carried.

On motion of mr Young: *Resolved*, that the Senate be now invited into the Representative Hall for the purpose of going into the election of a Judge of the County Court of Perry county.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two Houses proceeded to the election of a Judge of the County Court of Perry county. Dunklin Sullivan being in nomination. For Dunklin Sullivan, 89 votes.

Those who voted for mr Sullivan are mr President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Smith, Vining and Walthall of the Senate. Mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Clark, Clough, Coker, Collins, Conner, Cook, Coopwood, Cunningham, Dubose, Dillahunty, Durand, Everett, Faulk, Gayle, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Hudson, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, McCollum, McVay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Mosgrove, Oliver, Philpott, Price, Rather, Riddle, Richardson, Roberts, Ross, Rugely, Saunders, Scott, Shortridge, Stephens, Townsend, Walker, Ward, Williams and Young. Mr Taylor voted for mr Weissinger.

Dunklin Sullivan having received a majority of votes, was by mr Speaker, declared duly elected Judge of the County Court for Perry county.

The Senate then withdrew.

The House resumed the consideration of the resolution reported by the committee on privileges and elections, in the case of the contested election from Monroe county. Mr Mardis moved that the House concur in the resolution reported by the committee.

Mr Williams offered the following resolution: *Resolved*, that the report of the committee on privileges and elections, be recommitted to the same committee, with instructions to receive the evidence which was rejected; which evidence was admitted at the bar of the House by mr Dillett, should be received. Mr Coopwood offered the following amendment: "except such as may be in the hand writing of mr Hays;" which was carried. Mr Clark asked leave to be excused from voting on the adoption of mr Williams' resolution; which was granted. The resolution as amended was then adopted.

Mr Mardis asked leave to be discharged from the committee on privileges and elections; which was objected to.

On motion of mr Harris: *Ordered*, that mr Acklen be added to the committee on privileges and elections.

Mr Mobley, from the committee on accounts, to which was referred the accounts of James Shelton, reported that they know of no law authorizing such claims to be paid out of the State Treasury, and ask leave to be discharged from the further consideration thereof; which was granted. Mr Mobley moved that the account be referred to the committee on propositions and grievances; which was carried.

Mr Mobley, from the committee on accounts, to which was referred the bill entitled an act authorizing the comptroller of public accounts to draw

a warrant as therein expressed, reported the following amendment. after the word "warrant," at the close of the section, insert the following: "upon the express condition, that the said Martin Harkins enter into bond with good and sufficient security to the Governor of this State, and his successor in office, in the sum of two hundred dollars, conditioned that the said John Dirky never apply and compel the State of Alabama to pay him the sum of eighty dollars and forty cents, the amount recited in the preamble of this act. Mr Lawler moved to amend the amendment by adding after the word "officer," and before the word "in," these words, "to be approved of by the Judge of the County Court of Lauderdale county, and deposited in the office of the comptroller of public accounts;" which was adopted. The amendment as amended was then concurred in, and the bill ordered to be engrossed for a third reading to-morrow.

Mr Acklen moved to suspend the orders of the day for the present; which was lost.

The House then proceeded to the consideration of the orders of the day.

The memorial from the Senate to Congress, relating to the boundary line between the State of Alabama and West Florida, was, on motion of Mr Conner, laid on the table.

Joint resolution from the Senate to authorize the appointment of a commissioner to act with such commissioner as may be appointed by the United States to define the line between this States and West Florida, was read a second time. Mr Baker moved that it be referred to a select committee; whereupon messrs Baker, Conner and Taylor were appointed.

The bill from the Senate entitled an act to prevent the citizens of this State from being sued in civil cases before any justice of the peace, out of the beat in which they may respectively reside, was read a second time. Mr Cook moved that it be referred to a select committee. Mr Mobley moved the following instructions: To amend the bill so as to compel justices of the peace to give bond and security for the faithful performance of their duties. A division of the question being called for, the vote was first taken on the reference to the committee, and carried. The vote was then taken on Mr Mobley's motion and lost; whereupon messrs Cook, Clough, Clark and Coopwood were appointed.

The bill entitled an act altering the punishment for the crime of forgery and counterfeiting, was read a second time and ordered to be engrossed for a third reading to-morrow.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, a bill to be entitled an act for the relief of certain persons therein named, which originated in the Senate; also, a bill entitled an act to amend the act incorporating Marion academy, in Perry county; which originated in this house.

The bill entitled an act to amend the laws now in force in this State, for the relief of insolvent debtors, was read a second time. Mr Sanders moved that it lie on the table; which was carried.

Engrossed bills of the following titles, to wit: An act to change the names and render legitimate, certain persons therein named; an act to establish an academy in the county of Mobile; an act to furnish each commissioner of revenue and roads with the statutes of this State; and an act to allow further time for filing county claims; were severally read a third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Coopwood called up the resolution in relation to the transportation of the United States' mail on Sunday; it was then referred to a select committee consisting of messrs Coopwood, Clark and Moore of M.

Mr Mardis moved to suspend for the present, the operation of the 45th rule; which was agreed to.

Mr Mardis then offered the following resolution: *Resolved*, that if either mr Hays or mr Dillett think proper to examine witnesses before the committee on privileges and elections, in relation to the contested election from Monroe county, said committee are hereby authorized to examine such witnesses and report their testimony to this House; which was adopted.

Mr Baker moved to call up the bill from the Senate, entitled an act more effectually to secure trials in capital cases by impartial jurors.

And then the House adjourned until to-morrow morning at 10 o'clock.

Friday Dec 3, 1830.—The House met pursuant to adjournment.

Mr Coopwood moved that the House take into consideration the amendment made by the Senate to the resolution proposing to go into the election of a Senator to the Congress of the United States. Mr King of J. moved a call of the House; which was carried. And on the call being made, every member of the House answered to his name. The question recurred on mr Coopwood's motion, and lost. Yeas 34—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, messrs Baker, Boyd, Brodnax, Clough, Coker, Cook, Coopwood, Dubose, Dillahunty, Durand, Faulk, Hall, Harris, Herbert, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of P. Lea, Metcalfe, Mobley, Moore of W. Oliver, Richardson, Ross, Rugeley, Townsend, Ward, Williams and Young.

Those who voted in the negative are, messrs Speaker, Acklen, Barclay, Brown, Chiles, Clark, Conner, Collins, Cunningham, Dillett, Everett, Gayle, George, Gilbreath, Hickman, King of J. King of M. Lane, Langford, Lawler, Mardis, Massey, McCollum, M'Vay, Moore of M. Murphree, Murgrove, Philpot, Price, Rather, Riddle, Roberts, Sanders, Scott, Shortridge, Stephens, Taylor and Walker.

A message from the Senate by mr Gayle: Mr Speaker—The Senate have instructed me to inform you that they have read three several times and passed bills of the following titles, to wit: in which they desire the concurrence of your honorable body: An act providing for the completion of the State Capitol; and an act to authorize the forty sixth regiment of the Alabama militia, to form a company beat with a less number than forty privates, in the county of Dale. They have also read three several times and passed bills which originated in the House of Representatives, of the following titles, to wit: An act for the relief of Martha Williams; an act to change the name of a certain person therein named; and an act to authorize the County Court of Dale county, to sell certain public buildings therein named; and have amended the same by adding thereto two additional sections, in which amendment they desire the concurrence of your honorable body.

The bill from the Senate entitled an act providing for the completion of the State Capitol, was read a first time. Mr Baker moved that the bill lie on the table; which was carried. Yeas 36—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Acken, Baker, Boyd, Clark, Clough, Coker, Dubose, Faulk, Hall, Herbert, Hickman, Hogan, Jackson, Kilpatrick, King of M. King of P. Langford, Lawler, Lea, Mardis, Massey, Mobley, Moore of M. Moore of W. Murphree, Murgrove, Oliver, Philpot, Ross, Rugeley, Scott, Stephens, Taylor, Townsend, Ward and Young.

Those who voted in the negative are messrs Speaker, Barclay, Brodnax, Brown, Chiles, Collins, Conner, Cook, Coopwood, Cunningham, Dillahunty, Dillett, Du-

rand. Everett, Gayle, George, Gilbreath, Harris, Hodges, Hogg, Hudson, King of J. Lane, McCollum, McVay, Metcalfe, Price, Rather, Riddle, Richardson, Roberts, Saunders, Shortridge, Walker and Williams.

The bill from the Senate entitled an act to authorize the forty-sixth regiment of Alabama militia, to form a company beat with a less number than forty privates, in the county of Dale, was read a first time and ordered to be read a second time to-morrow.

Ordered, that the House concur in the several amendments made by the Senate to the bill entitled an act to authorize the County Court of Dale county, to sell certain public buildings therein named.

Mr Harris moved to suspend for the present the rule requiring that committees should make report; which was carried.

Mr Harris, from the committee on privileges and elections, to which was referred the memorial of James Cobb, contesting the election of James B. Clark, a member from the county of Bill, reported that no legal evidence of such contest has been submitted to them, and ask leave to be discharged from the further consideration of the subject; which was granted.

Mr Harris, from the committee on privileges and elections, made the following report: The committee on privileges and elections to which was recommitted the report of said committee, with instructions to examine the testimony offered by William S. Hays, except such as was in the hand writing of said Hays, all of which had been rejected by the committee because it was not received in the way prescribed by law, but Mr Dillett having declared his willingness that such should be admitted as if regularly presented, and the House having directed its examination, have had the subject under consideration, and have instructed me to report that the vote of Lewis Seawell, sen. who voted at Burnt Corn precinct, for mr Dillett, having being challenged by mr Hays, as an illegal vote, was from the evidence produced, declared to be an illegal vote; which being taken from the number given mr Dillett, leaves still a majority in his favor of six legal votes. They therefore recommend the adoption of the resolution submitted in their report, to which this is a supplement. The committee also present to the House, the journal of its proceedings on last evening, and ask that it may be received as a part of this report.

On motion of mr Gayle: *Resolved*, that the House now proceed to examine and determine upon the evidence on which the committee acted in rejecting the votes given to mr Hays and mr Dillett, one by one. Mr Baker moved the House concur in the adoption of the resolution in the journal of the committee, in relation to the vote of Jesse C. Farrar; which was carried. Yeas 37—Nays 34.

The yeas and nays being desired those who voted in the affirmative are, messrs Baker, Boyd, Clough, Coker, Conner, Cook, Coopwood, Dubose, Durand, Everett, Faulk, Gayle, George, Hall, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, King of J. King of P. Layler, Lea, Mardis, McCollum, Metcalfe, Mobley, Rather, Richardson, Scott, Taylor, Townsend, Walker, Williams and Young.

Those who voted in the negative are messrs Speaker, Acklen, Barclay, Brodnax, Brown, Chiles, Clark, Collins, Cunningham, Dillahunty, Gilbreath, Harris, Herbert, Kilpatrick, King of M. Lane, Langford, Massey, McVay, Moore of M. Moore of W. Morphree, Musgrove, Oliver, Philpot, Price, Riddle, Roberts, Ross, Rugely, Sanders, Shortridge, Stevens and Ward.

Ordered, that the House concur in the resolution adopted by the committee in relation to the vote of John Weatherford. Mr Baker moved that the House concur in the resolution adopted by the committee in relation to the vote of Miligan Patrick. Mr Roberts called for the previous

question, and the question was, Shall the main question be now put? which was determined in the affirmative. The question was on Mr Baker's motion, and lost. Yeas 31—Nays 37.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Acklen, Baker, Boyd, Brodnax, Brown, Chiles, Cook, Durand, Everett, Harris, Hogg, Hudson, King of J. King of M. Lane, Lawler, Mardis, Massey, Mobley, Morphree, Musgrove, Philpot, Rather, Richardson, Roberts, Scott, Stephens, Taylor, Walker and Young.

Those who voted in the negative are messrs Barclay, Clark, Clough, Coker, Collins, Comer, Cooperwood, Cunningham, Dubose, Dillihanty, Faulk, Gayle, George, Gilbreath, Hull, Hickman, Hodges, Hogan, Jackson, Kilpatrick, King of P. Longford, Lea, McCollum, M'Vay, Metcalfe, Moore of M. Moore of W. Price, Riddle, Ross, Regely, Sanders, Shortridge, Townsend, Ward and Williams.

Mr Oliver being absent from the House when the question was submitted, asked permission to vote. Mr Speaker decided that no member could vote on any question upon which the yeas and nays were called, if not present at the time the question was submitted. From which decision Mr Oliver appealed, and upon the question being stated, Shall the decision of the chair be sustained? it was decided in the affirmative.

And then the House adjourned until to-morrow morning at 10 o'clock.

Saturday, December 4, 1830.—The House met pursuant to adjournment.

A message was received from the Senate by Mr Gayle: Mr Speaker—The Senate have read three several times and passed, bills which originated in the House of Representatives, of the following titles, to wit: An act for the relief of Thomas E. Tarrt, and an act for the relief of Edmund Prince. They have also adopted the resolutions which originated in the House of Representatives, approving the administration of Andrew Jackson, President of the United States; and recommending him to the other States of the Union for re-election after his present term shall expire. They have also read three several times and passed, bills which originated in their House, of the following titles, to wit: An act to extend the powers of the County Court of Dallas county in relation to roads; an act to authorize Thomas M'Donald to collect toll on a bridge across the Conecuh river; and an act for the relief of William Jackson; in which they desire the concurrence of your honorable body.

Bills from the Senate of the following titles, to wit: An act to extend the powers of the County Court of Dallas county, in relation to roads; an act to authorize Thomas M'Donald to collect toll on a bridge across the Conecuh river; and an act for the relief of William Jackson; were severally read a first time and ordered to be read a second time on Monday next.

Mr George presented the petition of sundry inhabitants of Lauderdale county, praying the passage of a law to authorize captains of companies in said county to select a site for muster grounds; which was read and referred to the military committee to consider and report thereon.

Mr Roberts presented the account of Joseph Hall, sheriff of Baldwin county; which was read and referred to the committee on accounts to consider and report thereon.

Mr Shortridge presented the account of John Davis; which was read and referred to the committee on accounts.

Mr Shortridge presented the memorial of William M. Marr, in relation to the University lands; which was read and referred to the committee on education.

Mr Philpot presented the petition of James B. Graham and Thomas B. Murphey, praying the passage of a law to authorize the register and

receiver of the land office to place their accounts in the same situation as if they had entered their lands under the last and reduced valuation; which was read and referred to the committee on lands appropriated for internal improvement.

Mr Mardis presented the petition of sundry inhabitants of Shelby county, praying the passage of a law to authorize John A. Chapman and his associates to erect a toll gate on a certain road therein mentioned; which was read and referred to the committee on roads, bridges, and ferries to consider and report thereon.

Mr King of J. presented the petition of Hosea Holcomb, tax-collector of Jefferson county; which was read and referred to the committee on ways and means to consider and report thereon.

Mr Moore of M. presented the account of William Houson, jailor of Madison county; which was read and referred to the committee on accounts to consider and report thereon.

Mr Moore of M. also presented the account of Philip Woodson, jr.; which was read and referred to the committee on accounts to consider and report thereon.

Mr Moore of M. presented the account of Fielding L. White, late jailor of Madison county; which was read and referred to the committee on accounts to consider and report thereon.

Mr Lawler presented the petition of sundry inhabitants of Shelby county, praying to attach a part of Montgomery to Shelby county; which was read and referred to the committee on county boundaries to consider and report thereon.

Mr. Lawler presented the account of William Baker, of Shelby county; which was read and referred to the committee on propositions and grievances to consider and report thereon. Mr. Young presented the petition of sundry inhabitants of Perry county, praying the repeal of the law to authorize the opening a road from Greensborough to Montevallo; which was read and referred to the committee on roads, bridges, and ferries.

On motion of Mr Harris, the House suspended for the present the rule which requires reports from standing committees to be made; and, on motion of Mr Harris, the House resumed the consideration of the resolution reported by the committee on privileges and elections, in the case of the contested election from Monroe county.

Mr Coopwood moved to postpone the further consideration of the resolution offered yesterday by Mr Gayle, in relation to the contested election, until Monday next; which was carried.

Mr Rugeley who voted in the majority yesterday on disagreeing to the resolution of the committee on privileges and elections, in the contested election from Monroe county, moved to reconsider the vote; which was carried.

Mr Coopwood then moved that the further consideration of the resolution be postponed until Monday next.

Mr King of J. called for the previous question; and the question was, Shall the main question be now put? and determined in the affirmative; and the question was on Mr Coopwood's motion, and lost.

Mr Baker moved that the House concur in the resolution adopted by the committee in relation to Milligan Patrick's vote, which is as follows: *Resolved*, in the opinion of this committee, that the vote of Milligan Patrick, given to Mr Hays at the Burnt Corn precinct, was an illegal one, (see journal of the committee, page 15,) which was lost. Yeas 33—Nays 37.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Acklen, Baker, Boyd, Brodnax, Brown, Chiles, Cook, Durand, Everett, Harris, Herbert, Hogg, Hudson, King of J. King of M. Lawler, Mardis, Massey, Mobley, Murphree, Musgrove, Oliver, Philpot, Rather, Richardson, Roberts, Ross, Rugeley, Scott, Stephens, Taylor, and Young.

Those who voted in the negative are, Messrs Barclay, Clark, Clough, Collins, Conner, Coopwood, Cunningham, Dubose, Dillahunty, Faulk, Gayle, George, Gilbreath, Holt, Hickman, Hodges, Hogan, Horton, Jackson, Kilpatrick, King of P. Lee, Longfard, Lea, McCallum, McVay, Metcalfe, Moore of M. Moore of W. Price, Riddle, Sanders, Shortridge, Townsend, Walker, Ward, and Williams.

Ordered, that Mr Collins have leave of absence for the remainder of the day.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, to wit: An act for the relief of Martha Williams; an act to change the name of a certain person therein named; an act to authorize the County Court of Dale county to sell certain public buildings therein named: all of which originated in the House of Representatives.

Mr King of J. moved that the House concur in the resolution reported by the committee on privileges and elections, in the contested election from Monroe county.

Mr Taylor moved that the House adjourn until Monday morning at 10 o'clock; which was carried. And then the House adjourned.

Monday, Dec. 6th, 1830.—The House met pursuant to adjournment.

Mr Speaker laid before the House the memorial of Jesse Hodges, of Lawrence county, praying that Matthew C. Houston, register of the Orphans' Court of Morgan county, may be impeached and removed from office for mal conduct in his said office; which was read and referred to the judiciary committee.

Mr Speaker laid before the House, a report of the comptroller of public accounts, shewing the amount of disbursements of the seat of government fund. Mr Coopwood moved that the report lie on the table and that seventy-five copies be printed for the use of this House; which was carried.

On motion of Mr Chiles, *Ordered*, that messrs Gayle and Riddle have leave of absence for the remainder of the week.

Mr Conner presented the petition of sundry citizens of the town of Demopolis, praying the passage of a law to incorporate said town; which was read and referred to a select committee consisting of messrs Conner, Everett and Taylor to consider and report thereon.

Mr Conner presented the petition of Robert Craig, of Greene county, praying a division of certain lands in said petition mentioned; which was read and referred to the judiciary committee.

Mr Gilbreath presented the petition of sundry inhabitants of Jackson county, praying the passage of a law to authorize Jacob Smith to build a mill on Paint Rock river, near where he resides; which was read and referred to the several representatives from said county and the county of Madison to consider and report thereon.

Mr Hudson, from the committee on accounts, to which was referred the account of T. A. Reid, jailer of Jefferson county, reported that said account is not made out as the law directs, and therefore ought not to be allowed, and ask leave to be discharged from the further consideration thereof; which was granted.

Mr Rather from the committee on accounts, to which was referred the account of John Cantley, jailer of Jefferson county, reported that said account is not sufficiently authenticated, and ask leave to be discharged from the further consideration thereof; which was granted. Mr King of J. then moved that the account be referred to the committee on propositions and grievances; which was carried.

Mr Conner made the following report: The committee on divorce and alimony, to whom was referred the petition of Elizabeth J. Eastham, praying to be divorced from her husband Robert Eastham, together with the decree and evidence accompanying the same from the Circuit Court of Limestone county, have had the same under consideration, and have directed me to report to the House that it is expedi-

ent to grant the prayer of the petitioner, and have instructed me to report a bill carrying the prayer of the petition and decree into effect.

Mr Conner moved that the report lie on the table; which was carried.

Mr Conner made the following report: The committee on divorce and alimony, to whom was referred the petition of Milly Berkham, praying to be divorced from William C. Berkham, accompanied with a transcript and decree from the Circuit Court of Limestone county, have had the same under consideration, and have instructed me to report to this House, that it is expedient to pass a law divorcing the said Milly from her husband William C. Berkham, and have instructed me to report a bill to that effect.

Mr Conner moved that the report lie on the table; which was carried.

Mr Acklen, from the judiciary committee to which was referred the bill entitled an act to authorize Henry Brazleton, administrator of Joel Ledbetter, deceased, to convey a certain tract of land therein named, reported the same as amended, by adding a proviso thereto; which was adopted. It was then ordered to be engrossed for a third reading to-morrow.

Mr Lane, from the judiciary committee to which was referred a resolution instructing them to inquire into the expediency of having the laws of this State digested and reduced to a more convenient form than they are at present, and also of the propriety of discontinuing and expunging from said digest, such laws and parts of laws as have been repealed by subsequent acts of the Legislature, or are obsolete from the lapse of time and their own limitation: reported a bill to be entitled an act to provide for digesting the laws of the State of Alabama; which was read a first time and ordered to be read a second time to-morrow.

Mr Moore of M. from the committee on lands appropriated for internal improvement, to whom was referred the petition of Susanna Woods, reported the following resolution: *Resolved*, that the petition of Susanna Woods is unreasonable and ought not to be granted; in which report the House concurred.

The same committee, to which was referred the petition of John Barton, reported the following resolution: *Resolved*, that the petition of John Barton is unreasonable and ought not to be granted; in which report the House concurred.

The same committee, to which was referred the petition of Henry Williams, reported the following resolution: *Resolved*, that the prayer of the petitioner is unreasonable and ought not to be granted; in which report the House concurred.

The same committee, to which was referred the petition of John M. Blinford, reported the following resolution: *Resolved*, that it would be inexpedient to grant the prayer of the petitioner. Mr Saunders moved that the report lie on the table; which was carried.

The same committee, to which was referred the accounts of the commissioners appointed to select, class and value the lands in the Tennessee valley, granted for internal improvement, reported that there is no evidence before the committee which would justify them in asking a further sum than that which has been received by the commissioners respectively; that the law under which they were appointed, defined the amount of compensation which they should receive, and that it would be a departure from the common policy which should govern the Legislature to open a door which would justify every officer who may conceive his pay unequal to the services which are legally required by the office he may hold, to ask for additional compensation for services rendered from the commencement of the government until the present time: They therefore, recommend that it would be inexpedient to allow additional pay to the

commissioners aforesaid, and ask to be discharged from the further consideration of the subject.

Mr King of J. moved that the further consideration of the report be postponed to the 1st day of March next; which was carried.

Mr Taylor, from the military committee to which was referred the petition of sundry citizens of the town of Tuscaloosa and vicinity, reported a bill to be entitled an act to provide more effectually for the safe keeping of the public arms; which was read a first time and ordered to be read a second time on to-morrow.

The same committee, to which was referred a resolution directing them to inquire into the expediency of amending the patrol laws, so as to render them more efficient, and to allow reasonable compensation to patrols for the performance of patrol duty; reported it inexpedient to pass a law on the subject, and ask leave to be discharged from the further consideration of the subject. Mr Moore of M. moved that the report lie on the table; which was lost. The committee was then discharged.

Mr Clark, from the committee on propositions and grievances, to which was referred sundry bills and petitions for the emancipation of certain slaves therein mentioned, reported a bill to be entitled an act to authorize the emancipation of certain slaves therein named; which was read a first time and order to be read a second time to-morrow.

Mr Lawler, from the committee on roads, bridges and ferries, to which was referred the petition of sundry citizens of Walker and Tuscaloosa counties, reported a bill to be entitled an act to provide for opening a certain road therein named; which was read a first time and ordered to be read a second time to-morrow.

Mr Coopwood, from the committee on the State Bank, to whom was referred a resolution instructing them to inquire into the expediency of passing a law prohibiting by adequate penalties, the circulation in this State of the notes of Banks located in other States under the denomination of five dollars; reported, that in the opinion of the committee, it is inexpedient to legislate on the subject; in which report the House concurred.

The same committee, to which was referred that part of the Governor's message which relates to the payment of the Directors of the State Bank, reported that in the opinion of the committee, it is inexpedient to legislate on the subject, and ask leave to be discharged from the further consideration thereof. Mr Coopwood moved that the report lie on the table; which was lost. The committee was then discharged.

Mr Shortridge, from the select committee, to which was referred the petition of sundry citizens of Tuscaloosa county, and the town of Tuscaloosa, reported a bill to be entitled an act to exempt churches, church lots and grave yards, from taxation; which was read a first time and ordered to be read a second time to-morrow.

Mr Rugely, from the select committee, to which was referred the petition of the administrators of William Bonnell, dec. reported a bill to be entitled an act authorizing the administrators of the estate of William Bonnell, dec. late of Lowndes county, to make titles to certain lands therein named; which was read a first time and ordered to be read a second time to-morrow.

Mr Clark, from the select committee, to which was again referred the bill entitled an act authorizing a jury to be drawn to attend the County Courts of Franklin and Morgan counties, together with the amendments thereto, reported the same with sundry additional amendments; which

were concurred in. The bill was then ordered to be engrossed for a third reading to-morrow.

Mr Cunningham, from the select committee, to which was referred the bill entitled an act to authorize the administrators of the estate of John Barron, dec. to sell a certain negro man slave named Primus, which belonged to the estate of said deceased, reported the same with an amendment, by adding a proviso at the end of the 2nd section; which was adopted. The bill was then ordered to be engrossed for a third reading to-morrow.

Mr Brodnax obtained leave to introduce a bill to be entitled an act amendatory of the laws concerning dower; which was read a first time and ordered to be read a second time on to-morrow.

On motion of mr Boyd: *Resolved*, that the committee on inland navigation, be instructed to inquire into the expediency of removing the obstructions out of the Cahawba river, from the mouth of said river as far up as the town of Centreville, in the county of Bibb.

On motion of mr Clark: *Resolved*, that the committee on the State Bank inquire into the propriety of prohibiting the clerks of the Circuit and County Courts of Tuscaloosa county, from taxing in the bill of costs, on judgements in favor of the Bank of the State of Alabama, a county tax.

On motion of mr Clark: *Resolved*, that the committee on the judiciary inquire into the propriety of vesting in the court of revenue and roads of each county, authority of fixing the compensation of jurors, and the manner of paying said jurors for their said counties.

Mr Clark offered the following preamble and resolution: Whereas, it has been deemed proper by the President of the United States, to abandon the system of valuing the improvements of the Cherokees and Creeks, and of their enrollment as emigrants; and whereas, also, it is understood and believed that many of said Indians are willing to emigrate, particularly Creeks, amongst which are a majority of their chiefs, but that the President has declined enrolling any more emigrants unless the whole of the particular nation consent to emigrate: therefore, *Resolved*, that the committee on Indians and Indian affairs, inquire into the expediency of memorializing Congress, so to modify the act of last session, providing for an exchange of lands with the Indians, and for their removal west of the Mississippi, as will require the President to pursue the enrolling plan, and provide for the removal of any Indian who is willing to emigrate west of the Mississippi. Mr Lea moved that the further consideration of the resolution be postponed to the first Monday in August next; which was lost. Yeas 7—Nays 61.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker Everett, Hagg, Lea, Mobley, Roberts and Taylor.

Those who voted in the negative are messrs Speaker, Acklen, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Conner, Cook, Coopwood, Cunningham, Dubose, Dillahunty, Dillett, Dorand, Faulk, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan Horton, Hodson, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Langford, Lawler, Mardis, Massey, McCollum, McVay, Metcalle, Moore of M. Moore of W. Murphree, Mulgrove, Oliver, Philpot, Rather, Richardson, Ross, Rogely, Sanders, Scott, Shortridge, Stephens, Townsend, Walker, Ward, Williams and Young.

Mr Conner moved to suspend the orders of the day; which was carried.

Mr Durand moved that the resolution lie on the table; which was carried.

On motion of mr Cook: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of digesting in pamphlet form, all the laws in relation to the duties of justices of the peace, and constables, with leave to report by bill or otherwise.

Mr Mobley obtained leave to introduce a bill to be entitled an act to attach part of Wilcox county to the county of Clark; which was read a 1st time and ordered to be read a second time to morrow.

On motion of Mr Mobley: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of amending the law in relation to tavern license, and that they report by bill or otherwise.

On motion of Mr Taylor: *Resolved*, that the committee on the military be instructed to inquire into the expediency of instructing the Secretary of State to furnish to each commissioned military officer, within the State, a copy of the militia and patrol laws.

On motion of Mr Hogan: *Resolved*, that the Governor be requested to transmit to the President of the United States, to the Executives of each of the several States, and to our Senators and Representatives in Congress, a copy of the preamble and resolutions heretofore adopted by the Legislature of this State, approving of the administration of Andrew Jackson, and recommending him to the other States of the Union, for re-election to the office of President of the United States after his present term shall expire.

On motion of Mr Horton: *Resolved*, that a select committee be appointed, with instructions to report a suitable address to the Congress of the United States, praying the passage of a law providing for the sale by the State of Alabama of lands granted to said State by act of the 23d of May 1828, for the purpose of improving the navigation of the Tennessee and other rivers, that may remain unsold on the 1st day of June next, at the prices fixed upon any such lands by the commissioners appointed to select and value the same; whereupon messrs Horton, Mardis, Dillet and Scott were appointed.

Mr Horton offered the following resolution: *Resolved*, that with the concurrence of the Senate the two Houses of the General Assembly will, on Monday the 13th of this instant, at 11 o'clock A. M. assemble in the Representative Hall, for the purpose of going into the election of a Senator to the Congress of the United States, for the term of six years from and after the 4th day of March next. Mr Coopwood moved to amend the resolution by striking out the word "13th;" which was lost. Mr Sanders moved that the resolution lie on the table; which was lost. Yeas 32—Nays 36.

The yeas and nays being desired those who voted in the affirmative are, messrs Speaker, Acklen, Barclay, Brown, Chiles, Clark, Collins, Cunningham, Conner, Dillett, Durand, George, Gibleath, Hickman, King of J. King of M. Lane, Langford, Lawler, Massey, McCollum, M'Vay, Moore of M. Murphree, Philpot, Rather, Roberts, Sanders, Scott, Stephens, Taylor and Walker.

Those who voted in the negative are, messrs Baker, Boyd, Brodnax, Clough, Coker, Cook, Coopwood, Dubose, Dillahunty, Faulk, Hall, Harris, Herbert, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of P. Lea, Mardis, Metcalfe, Mobley, Moore of W. Mosgrove, Oliver, Richardson, Ross, Rugely, Shortridge, Townsend, Ward, Williams and Young.

Mr Roberts moved a call of the House; which was lost.

Mr Clark moved to postpone the further consideration of the resolution until Monday next; which was lost. Yeas 31—Nays 38.

The yeas and nays being desired those who voted in the affirmative are messrs Speaker Acklen Barclay Brown Chiles Clark Collins Conner Cunningham Dillett Durand Everett George Gibleath Hickman King of J. King of M. Lane Langford Lawler Massey McCollum M'Vay Moore of M. Philpot Rather Roberts Sanders Scott Stephens and Taylor.

Those who voted in the negative are messrs Baker Boyd Brodnax Clough Coker Cook Coopwood Dubose Dillahunty Faulk Hall Harris Herbert Hodges Hogan

Hogg Horton Hudson Jackson Kilpatrick King of P. Lea mardis metcalfe mobley
Mason of W. Morphree masgrove Oliver Richardson Ross Rugeley Shortridge Towns-
end Walker Ward Williams and Young.

The resolution was then adopted.

On motion of mr M'Collum : *Resolved*, that the judiciary committee be instructed to inquire whether the boundary lines of each and every county in this State ought not to be recognized for the prison bounds in each and every county in said State, by giving bond and good security, and report by bill or otherwise.

Mr Ward obtained leave to introduce a bill to be entitled an act to amend the several acts in relation to the compensation of the petit jurors in the counties of Henry and Dale; which was read a first time and ordered to be read a second time on to-morrow.

On motion of mr Stephens, *Resolved*, that the committee on roads, bridges and ferries be instructed to inquire into the expediency of passing a law granting to the several counties in this State the right of disposing of all the moneys arising from tavern licenses, and licenses for retailing spirituous liquors, having for its object the appropriation of this money to build bridges and other county improvements, with leave to report by bill or otherwise.

Mr Barclay offered the following resolution : *Resolved*, that the committee on inland navigation be instructed to inquire into the expediency of making an appropriation out of the three per cent fund, for the purpose of improving the navigation of Paint Rock river, with leave to report by bill or otherwise; which was lost.

Mr Gilbreath obtained leave to introduce a bill to be entitled an act to amend an act entitled an act to incorporate the town of Bellefonte. in the county of Jackson; which was read the first time and ordered to be read a second time on to-morrow.

On motion of mr King of J. *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of taxing and in the county where the land lies, so as more effectually to secure the payment of taxes on all lands subject to taxation to the State, and a tax to the county; with leave to report by bill or otherwise.

Mr Coopwood obtained leave to introduce a bill to be entitled an act to set apart the nett proceeds of the University fund. for the establishment of preparatory schools in each county in this State, and to provide for an increase of the funds hereby appropriated for that object; which was read the first time. Mr Roberts moved that the bill lie on the table and that seventy-five copies thereof be printed for the use of the House; which was carried.

Mr Hodges obtained leave to introduce a bill to be entitled an act to provide a more summary mode for the trial of breaches of the peace; which was read the first time and ordered to be read the second time on to-morrow.

And then the House adjourned until to-morrow morning 10 o'clock.

Tuesday, Dec 7th, 1830.—The House met pursuant to adjournment.

A message was received from the Senate by mr Gayle: Mr Speaker—The Senate have read three several times and passed a bill which originated in the House of Representatives, entitled an act requiring the sheriff of Tuscaloosa county to return a list of the qualified jurors in his county at different times than those now prescribed by law, and have amended the same as herewith shewn; in which they desire the concurrence of your honorable body. They have also read three several times and passed

bills which originated in the House of Representatives of the following titles, to wit: An act more effectually to secure the compensation allowed by law to jurors therein mentioned; an act more effectually to secure the payment of jurors in the county of Lowndes; and an act to revive and continue in force an act to incorporate the town of Cahawba, passed, December 3d, 1819. They have also read three several times and passed bills which originated in their House, of the following titles, to wit: an act to repeal in part an act therein mentioned; an act to amend the 4th section of an act entitled an act to revive in part a certain act therein specified; an act to repeal in part and amend an act entitled an act establishing schools in the county of Mobile; an act for the relief of certain occupants of lands in the counties of Morgan and Madison; and an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State; in all of which they desire the concurrence of your honorable body.

Bills from the Senate of the following titles, to wit: An act to repeal in part an act therein mentioned; an act to amend the fourth section of an act entitled an act to revive in part a certain act therein specified; an act to repeal in part and amend an act entitled an act, establishing schools in the county of Mobile; an act for the relief of certain occupants of lands in the counties of Morgan and Madison; and an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State; were severally read a first time and ordered to be read a second time to-morrow.

Ordered, that the House concur in the amendment made by the Senate to the bill entitled an act requiring the sheriff of Tuscaloosa county to return a list of the qualified jurors in his county, at different times than those now prescribed by law.

Mr Mardis presented the petition of sundry inhabitants of Shelby county, praying the passage of a law to authorize Micajah Jones to receive toll from passengers on a certain road therein mentioned; which was read and referred to the committee on roads, bridges and ferries.

Mr Harris moved to suspend for the present, rule number 45; which was lost.

Mr Conner made the following report: The committee on divorce and alimony, to which was referred the several petitions of Martha Robertson, praying to be divorced from Robert Robertson; of Elizabeth Lasiter, to be divorced from her husband, Benjamin Lasiter; of James Rockett, to be divorced from his wife, Elizabeth Rockett; of Jane Norton, from her husband, John Norton, have had the same under consideration, and have instructed me to report, that it is expedient to grant the prayers of the petitioners; and have directed me to introduce a bill to that effect. The same committee to which was recommitted the bill divorcing certain persons therein named, have had the same under consideration, and have instructed me to report the said bill as a seventh section, to the general bill herewith submitted. The same committee reported a bill to be entitled an act divorcing certain persons therein named; which was read a first time, and ordered to be read a second time to-morrow.

Mr Conner called up the reports on the subject of divorce, laid on the table yesterday.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, to wit: An act more effectually to secure the payment of jurors, in the county of Lowndes; and an act more effectually to secure the compensation allowed by law, to jurors therein mentioned; all of which originated in this House.

Mr Lane made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, to wit: An act to amend an act entitled an act for the relief of Edmund Prince; an act for the relief of Thomas E. Tartt; which originated in this House.

Mr Herbert made the following report: The committee on enrolled bills have examined and find correctly enrolled, the preamble and resolution recommending Andrew Jackson for re-election to the office of President of the United States; which originated in this House.

Mr Mardis made the following report:

MR SPEAKER—The committee on Indians, and lands in the possession of Indians, &c. to whom was referred a bill to be entitled, An act to extend the jurisdiction of the State of Alabama over the territory, according to the geographical boundaries, lying within the limits of said State, and for other purposes, have, according to order, had the same under consideration, and report—

That the Committee, sensible of the importance of the subject referred to them, and also the responsibility of their situation, feel much embarrassment in entering upon the investigation; and this feeling of distrust is considerably heightened, from a knowledge that it is a question that has not only attracted the serious attention of our National Legislature, but has been made a fruitful source of party feeling in many of our sister States: but your Committee, notwithstanding the delicacy of the subject, feel that it is due to the State, to the Indians, and to themselves, that they proceed to lay before the House such information and views as they may have acquired in the examination of the subject. The question under consideration presents, first, the *vetula questio* whether Alabama is a sovereign State. Has she the right to legislate for all her citizens; or, in other words, is the jurisdiction of Alabama co-extensive with her limits? To elucidate this subject, and with a view to a correct understanding of the history of these United States, it may be found useful to look as far back as 1776; and to copy from that sacred instrument, the Declaration of Independence, such parts of it as will tend to shed light on the subject. In the concluding sentences of that instrument, the following emphatic language is used: "We, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these Colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the State of Great-Britain, is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, &c. Again, the first article of the treaty of peace between the United States and his Britannic Majesty, is in these words: "His Britannic Majesty acknowledges the United States, &c. to be free, sovereign, and independent States; that he treats with them as such, and for himself, his heirs, and successors, relinquishes all claims to the Government, property, and Territorial rights of the same, and every part thereof." Both of which instruments, properly considered, go to prove, beyond contradiction, the sovereignty and independence of the old thirteen States; and that they, as sovereign and independent States, had a right to do and perform all such acts, as, by the law of nations, sovereign and independent powers might lawfully do or perform. The old States consequently, at the time of the treaty of peace, had an undoubted right, as independent sovereignties, to make laws for the government of their citizens respectively. Then we ask, did they, by becoming parties to the federal compact, surrender this essential attribute of sovereignty? We are admonished by the tenth amendment of the Constitution of the United States, to expect (if the transfer has been made) that we will find some clause in the Constitution of the United States containing the grant; but we have searched that instrument for the power in question in vain, and are conscious that no such surrender ever was made by the States; but that for all the purposes of legislation, they are at this day as sovereign as they were the day that their independence was acknowledged. Having clearly shown, we trust, that the right of the old thirteen States to make laws for the government of their citizens remains unimpaired, we will next proceed to inquire whether Alabama is entitled, by the Constitution of the United States, to exercise, in her legislative capacity, the same powers possessed and exercised by the old States. The third section of the fourth article of the Constitution of the United States provides, among other things, "That new States may be admitted by the Congress into this Union." What are we to understand by the admission of a State into this Union; and of what does the Union consist? It is a Union of sovereign and independent States. A State is

to be admitted; therefore it must be sovereign and independent, possessing all the qualities of the members of the new society into which it is about to enter, else it would be an inferior, something less than a sovereign State, and could not be admitted into this Union in the sense of the Constitution. The admission of such a State by Congress, would be an admission into a different Union. There would have to be a new compact formed. The term State is technical as used in the Constitution; and its properties ascertained by reference alone to the powers possessed by the thirteen confederated States at the formation of the Constitution. And your committee are fortified in this construction of the term State, by reference to the act passed by Congress for the admission of Alabama into the Union. The law is in these words, "That the said Territory, when formed into a State, shall be admitted into the Union upon the same footing with the original States, in all respects whatever; hence Congress, having the power to determine the question of expediency as to the admission of new States, does not confer the right of prescribing the terms. The conclusion is, therefore, that if a State is admitted by Congress into the Union, that the act of admission confers upon the new State all the powers, &c. possessed by the old thirteen States. The committee will next inquire, if to deprive a State of the right to legislate for a part of the inhabitants within her limits, would not be a direct violation of her sovereign rights? A sovereign State is thus defined by Vattel: "A nation that governs itself, under what form soever, without dependence on any foreign power, is a sovereign State." Could Alabama, if denied the right to legislate co-extensive with her limits, be said to be sovereign? Can she be considered sovereign, when the operation of her laws, although she wills it otherwise, is confined to particular districts and sections of the State? Will any pretend, that she is sovereign, while a respectable portion in number, can excuse themselves from becoming subject to her laws, upon account of their color? Assuredly not; yet Alabama is professing a sovereign State. But, let us next see who it is within the limits of this State that claims exemption from her laws; and upon what their pretensions are founded. There are several tribes, or remnants of tribes, of Indians within the chartered limits of Alabama. Among these is to be found the Cherokee tribe; and as they are the most prominent, the attention of the committee will be most particularly directed to them.

The committee are advised, that the Cherokees do not only deny the right of Alabama to make laws for them, but assert supremacy in their own tribe; and have arrogated to themselves a form of government, enacted laws, punished offenders indiscriminately; and all this within the acknowledged limits of a State that claims to be sovereign. The committee take it for granted, that if the territory occupied by the Cherokees, within the chartered limits of this State, does form an integral part of Alabama (and they know of no rule of construction that would authorize them to say that it does not,) that either Alabama or the Cherokees must give up their pretensions to govern; otherwise we shall exhibit to the world the novel spectacle of two sovereigns, no way dependent upon each other, making laws for the government of the same people, at the same time; or, in other words, a government within a government, wholly distinct from each other,—a state of things that never has or can exist. There can be but one sovereign power in a State; and this brings us to notice more minutely, the character and history of the Cherokees. They were found by the first European adventurers, dispersed through this country many miles distant from their present habitation; an erratic, fierce, rude, uncivilized people, unacquainted to the pursuits of civilized man, and who lived by the chase alone. The European nations, in obedience to the command of Heaven, and in conformity to the law of nations, on discovering the vast regions of country then inhabited by the various Indian tribes, claimed the fee simple in the lands they thus discovered, to be in their respective governments; and this course met with the sanction of the whole civilized world; and from that time to the present day, the Indian title, by all civilized nations, has been considered as a mere right of occupancy, and nothing more. Long previous to the independence of these United States, the European governments had parcelled out this country among themselves; and in many instances made actual conveyance of the soil by treaty and otherwise, without consulting the Indian title. As in the treaty of 1763 between France and Great Britain, by which France ceded to Great Britain Nova Scotia and Canada, with their dependencies. About the same time France ceded Louisiana to Spain. Louisiana was at the time of the cession occupied exclusively by the Indians. But it is not necessary at this distance of time to enter upon the defence of the policy pursued by our illustrious ancestors; suffice it to say, that it has not only met the sanction of the civilized nations of Europe, but has been adopted and followed up by our own country, as history and repeated acts of legislation will abundantly show. But suppose the policy of claiming lands by right of discovery to have been wrong, and unauthorized by the law of nations, would the condition of the Cherokees be better by the concession? We think not. In that memorable contest for the rights of man, the Indians were our bitterest enemies. They became the allies of Great Britain; sought every advantage to reek their savage vengeance in the blood of our fathers and mothers;

and chaunted around the war fire, with more than savage delight, their bloody deeds, exhibiting as their richest treasure, the crimsoned scales of our fallen countrymen. The cause of liberty triumphed. Great Britain and the Indians, their allies, after a long and bloody contest were conquered, and the United States acknowledged to be free, sovereign and independent States; and by the right of conquest, succeeded to all the prior title that her conquered enemies had in the soil. In this opinion, the committee feel that they are fully sustained by the highest authority. Chancellor Kent lays down the doctrine to be, that "Congress has the exclusive right of pre-emption to all the Indian lands lying within the Territories of the United States." The United States owns the soil, as well as jurisdiction of the immense tracts of wild and unpatented lands included within the Territories; and all the productive funds which they may hereafter create. The title is in the United States by treaty of peace with Great Britain, and from subsequent cessions from France and Spain; and the Indians have only a right of occupancy. The United States possess the legal title, subject to that occupancy; and an absolute right to extinguish the Indian title of occupancy, either by conquest or purchase. The title of the European nations, and which passed to the United States, to this immense territorial empire, was founded upon discovery and conquest. We find the same doctrine fully recognized by the Supreme Court of the United States, in the case of *Fletcher vs. Peck*, 6 *Crumh*; also, in the case of *Johnson vs. McIntosh* 8 *Wheaton*. But it is said, the United States are bound by subsisting treaties, to protect the Cherokees against the laws of Alabama. Without stopping to inquire whether the General Government can so interfere with the legislation of a State, as to defeat the operation of her laws upon her own citizens, or to decide whether the Congress of the United States, or the Government, can legitimately hold treaties with Indians residing within the limits of a State, the Committee will proceed to examine the several treaties made between the United States and Cherokees, in the order in which they stand.

After a long and bloody conflict between the whites and Cherokees, in 1785, the war was ended by the treaty of Hopewell; the first clause of which is in these words: "The Commissioners Plenipotentiary of the United States, in Congress assembled, give peace to all the Cherokees, and receive them into the favour and protection of the United States of America, on the following conditions, &c. The third article is as follows: "The said Indians, for themselves and their respective tribes and towns, do acknowledge all the Cherokees to be under the protection of the United States of America, and no other sovereign whatsoever." The fourth article: "The boundary allotted to the Cherokees for their hunting grounds, between the Indians and the citizens of the United States, within the limits of the United States of America, is, and shall be, as follows, viz." &c. The treaty contains other provisions, such as, "the United States reserves to themselves the right of punishing capital offences committed within the territory allotted to the Indians as hunting grounds." &c.: by which treaty it will be seen, that the Cherokees, in 1785, acknowledged themselves a conquered people; accepted peace at the hands of the Government of the United States; threw themselves upon the Government for protection; and surrendered to the United States the right of punishing offences committed within the territory upon which they lived. And by the fourth article of the treaty, as has already been shown, acceded of the country upon which they now reside, to be used by them as hunting grounds: the Government clearly indicating, by the cautious language in which this article is couched, that they did not intend to convey to the Cherokees anything more than the mere right to occupy the lands in the manner and for the purposes specified in the grant. The committee have vigilantly examined all the other treaties made with the Cherokee tribe, and have been unable to find any clause in either of them conveying to the Cherokees a higher title to the lands upon which they live, than that contained in the treaty of Hopewell; indeed, they all refer back, and have relation to that treaty. The subsequent treaties are so many cessions of the country allotted to them by the fourth article of the treaty of Hopewell, for hunting grounds. The consideration of each subsequent treaty is expressed to be so much money, merchandise, &c. consequently precludes the idea that the Indians supposed that by making these cessions they were acquiring a higher or better title to the remainder of the lands in their possession. So far from this, they bound themselves not to attempt to convey such title as they had to any one except the United States. It is true, that the United States, in most of the treaties, guaranteed to the Indians the peaceable possession of the lands remaining in their occupancy; but can it be urged with the least plausibility, that these guarantees, made by the Government, vest in the Cherokees a fee simple title in the lands. For a correct and practical construction of the guarantees, we must refer back to the original grant, which we have seen was a right on the part of the Indians to use a certain tract of country as hunting grounds.— Then the guarantees made by the United States to the Indians, in the treaties above alluded to, cannot be construed as conferring a better title than the Indians already had

by the treaty of Hopewell and to which all other treaties refer. To render ourselves more intelligible A, who has a fee simple title in a tract of land, and conveys it to B for twenty years, and subsequently to the conveyance A purchased of B a part of the tract of land thus conveyed, for the sum of one hundred dollars, and then guarantees to B the remainder of the land; could B think for a moment that he, by this guarantee, had acquired a permanent title in the residue of the land; or would he not rather think that as he had received one hundred dollars, the price stipulated for his term in the purchase, that the guarantee was nothing more than the renewal of the old contract, as to the balance of the land in B's possession. The committee feel confident that they have shown that the Cherokee tribe of Indians are a conquered people; that they have voluntarily surrendered to the United States every pretension to sovereignty; and that, after throwing themselves upon the United States for protection—accepting peace at their hands—and, above all, accepting their lands as mere hunting grounds, thereby divesting themselves of all claim to the ultimate title in the lands if any they ever had; that they cannot now, with any degree of plausibility, insist that they are a sovereign people or tribe; and such must have been the view taken of their condition by the framers of the Constitution of the United States, else why exclude them from the Federal Census, if they are not taxed. Does not this clause clearly contemplate that Indians may be taxed?

Having made it appear, that the State of Alabama has an undoubted right, as a sovereign State, to enact laws for the government of all her citizens, no matter whether they be white, red or black, or in what particular district of the State they may live, we will next inquire into the expediency of the measure; and will here remark, that they are not at all astonished at the opposition manifested to Alabama's extending her laws over all the inhabitants within her limits, by some of her sister States; and by those, too, as the committee will presently show, that have years since determined both the question of right and expediency so to do. Indeed, the States alluded to have gone much further than the committee propose. They have, by solemn acts of legislation, at different periods, taken upon themselves the exclusive guardianship of the Indians within their respective limits, without allowing them one of the privileges of a free citizen. In support of this assertion the committee beg leave to lay before the House extracts taken from the statute laws of several of the States in relation to this subject.

In Massachusetts, in 1693—4, it was enacted "that his excellency the Governor, by and with the advice and consent of the Council, may, and is hereby empowered to appoint and commissionate one or more discreet persons within several parts of the province, to have the inspection and more particular care and government of the Indians in their respective plantations; and to have, use, and exercise the power of a justice of the peace over them, in all matters civil and criminal." To a statute of 1725, is the following preamble: "Whereas, the Indians in the eastern part of this province, having been some years past in hostilities and rebellion, have now submitted themselves, and recognized their subjection and obedience to the crown of Great Britain."

In Connecticut a statute of 1750 enacts, "that the authority and select men of each town wherein there are any Indians living or residing, shall take care of, and they are hereby directed to endeavor to assemble and convene such Indians annually, and acquaint them with the laws of the government, made for punishing such immoralities as they may be guilty of, and make the penalties of such laws known to them; and let them know they are not exempt from such laws, any more than his majesty's other subjects." In 1808 the act of 1750 was re-enacted, and contains the following provisions: "That it shall be the duty of the civil authority and select men of such town wherein there are any tribes or Indians, to take care that they be well acquainted with the laws of the State, made for punishing such immoralities as they may be guilty of, and make them sensible that they are liable to the penalties in case they transgress the laws." Section 2, "And any Indian that shall be guilty of wilfully murdering any other Indian, shall be put to death, on being thereof convicted before the Superior Court." Section 3, "And every Indian that shall be convicted of drunkenness, shall pay a fine of eighty-four cents, or be set in the stocks not exceeding two hours, nor less than one hour."

In New-York, an act declaring the jurisdiction of the Courts of this State and pardoning Simon Gize, otherwise called Tommy Jemmy, passed the 12th April 1822, enacts, among other things, the following section: "Be it enacted that the sole and exclusive jurisdiction of trying and punishing all and every person of whatsoever nation or tribe for crimes and offences committed within any part of this State, except only such crimes and offences as are or may be cognizable in Courts deriving jurisdiction under the Constitution and laws of the United States, of right belong to, and is exclusively vested in the courts of justice in this State, organized under the Constitution and laws thereof." The act then goes on to pardon an Indian Chief, who, by the laws of a foreign tribe, put another Indian to death, and for which offence he was convicted by the laws of New-York for murder.

In Pennsylvania an act was passed, 1744, extending the civil and criminal jurisdiction of that State over all the Indian tribes within her limits. The States of North and South Carolina have passed similar laws to those already recited as also Maine within the last six years. In fact, so far as the researches of the committee extend, the right now claimed by Alabama, was never until recently denied to any State in this Union.

The above extracts show conclusively that the power in question was first exercised by the Colonies under the British government; and since their independence it has been followed up by the States. Under our present form of government, it seems that the old States thought it expedient to extend their laws; then we ask, why not Alabama? Does not the existing relationship between this State and the Cherokees imperiously demand, that if we had the right to assert our laws over all the citizens within her limits, that we now do so? Would we not be consulting the true interests of both parties, by at once putting this question at rest? And the committee have thought it expedient to recommend to the House such measures for their adoption as will, if carried into effect, accomplish this desirable object, and do justice to all the parties. They have, therefore, instructed me to report a bill, as a substitute for the bill referred, embracing the views of the committee; all of which they respectfully submit. **SAMUEL W. MARDIS,**

Chairman.

Mr Lawler moved that said report lie on the table, and five hundred copies be printed for the use of this House; which was carried.

The same committee reported a bill to be entitled an act to extend the jurisdiction of the State of Alabama over the territory, according to the geographical boundaries within the limits of said State, and for other purposes; which was read a first time and laid on the table. *Ordered*, that seventy-five copies be printed for the use of this House.

Mr Mardis, from the committee on Indians and Indian affairs, to whom was referred a resolution instructing them to inquire into the expediency of extending the laws of this State over the different Indian tribes within the chartered limits of the same, and to inquire into the expediency of requiring by law, that where an Indian is sued, that the consideration shall be proved by two disinterested witnesses, reported that the objects of the resolution are embraced by a bill now before the House, therefore, ask leave to be discharged from the further consideration of the subject; which was granted.

The same committee to which was referred the bill entitled an act to authorize Jesse Deering and Philip Brothers, of the county of St Clair, to turnpike a certain road therein named, reported the same without amendment. Mr Hudson moved to amend it by way of the following proviso: "*Provided*, that nothing in this act shall be so construed, as to prevent the General Assembly of this State from altering or amending the same whenever it may be necessary;" which was lost. Mr Conner moved that the bill lie on the table; which was lost. It was ordered to be engrossed for a third reading to-morrow.

Mr Baker, from the same committee to which was referred the bill entitled an act to authorize John H. Garrett to open a certain road therein named, and to keep a ferry on the Coosa river, reported an amendment, by striking out the second section, and substituting another in lieu thereof; which was adopted. It was then ordered to be engrossed for a third reading to-morrow.

Mr Dillett made the following report: The judiciary committee to whom was referred the petition of sundry inhabitants of Marion county, praying that William H. Ragsdale, Judge of the County Court of Marion county, should be removed from office; have considered the prayer of the petitioners, and have instructed me to report, that the causes of complaint alleged in the petition, are not sufficient to authorize the committee to recommend to the House further investigation. The petition states that William H. Ragsdale, Judge of the County Court of Marion County,

from interested motives, has frequently refused to act on various matters connected with the roads and highways of said county; but the petition does not shew that the commissioners of roads and revenue, who are associated with him by law, have also refused to attend to proper and legal applications, or that said commissioners of roads and revenue, who have equal powers with said Judge, in the matters suggested in the petition, were prevented from acting in consequence of improper practices, and undue influence of said William H. Ragsdale. Your committee therefore, respectfully ask to be discharged from the further consideration of said petition; which was granted.

The same committee, to whom was referred the memorial of Asa Hodges, asking an investigation into the official conduct of Matthew C. Houston, register of the Orphans' Court of Morgan county; and also, into the official conduct of Charles W. Peters, Judge of the County Court of Morgan county; reported that the matters alleged in the memorial, call for the investigation of this House, and recommend that a committee be appointed for that purpose; whereupon messrs Young, Cook, Dillett, Herbert, King of J. Mardis, Riddle, Clark and Shortridge, were appointed said committee.

The same committee, to whom was referred the petition of Nancy Huff, administratrix of William H. Huff, dec. reported that it is inexpedient to pass the law prayed for in the petition; in which report the House concurred.

The same committee, to whom was referred a resolution directing them to inquire into the expediency of passing a law to require the consolidation of causes brought in the Circuit and County Courts, and also of suits brought to those courts by appeal or otherwise, reported that it is inexpedient to pass the law contemplated in the said resolution; in which report the House concurred.

The same committee, to whom was referred a bill to be entitled an act to prevent frivolous and vexatious law suits, reported the same to the House without amendment. Mr Coopwood moved that the bill and report lie on the table; which was carried.

Mr Young, from the judiciary committee to which was recommitted a bill to be entitled an act more fully to provide for the payment of talesmen jurors, reported the same to the House without amendment, and that in the opinion of said committee, it is inexpedient to pass the bill into a law, or to legislate at this time upon the subject; in which report the House concurred.

Mr Shortridge, from the judiciary committee to which was referred several resolutions in regard to depositions, reported a bill to be entitled an act to amend the laws in relation to depositions; which was read the first time and ordered to be read a second time on to-morrow.

The same committee, to which was referred a bill entitled an act to abolish imprisonment for debt, reported a substitute in lieu thereof; which was adopted by the House. Mr Young moved to amend the bill by an additional section to the end thereof; which was carried. Mr Mardis then moved that the bill lie on the table, and that seventy-five copies thereof be printed for the use of the House; which was carried.

Mr Dillett, from the judiciary committee, to whom was referred a resolution directing them to inquire into the expediency of limiting the time of commencing suits against sheriffs and their securities, reported that it is inexpedient to legislate on the subject of the resolution; in which report the House concurred.

Mr Moore of M. from the committee on lands appropriated for Internal Improvement, to whom was referred a resolution instructing them to inquire into the expediency of repealing so much of an act entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named, approved January 20, 1829, as compels an annual interest to be paid on the purchase money, from the time of entry until paid, reported that it would be inexpedient to legislate on the subject. Mr Rather moved that the further consideration of the report be postponed till the first day of August next; which was lost. Yeas 26—Nays 39.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Acklen, Barclay, Brown, Dillet, Durand, Gilbreath, Harris, Herbert, Hogan, Hogg, King of J. King of M. King of P. Langford, Lawler, Mardis, Massey, Metcalfe, Mobley, Moore of M. Rather, Scott, Stevens, Walker and Young.

Those who voted in the negative are messrs Baker, Boyd, Brodnax, Chiles, Clark, Coker, Collins, Cook, Coopwood, Cunningham, Dubose, Dillabunt, Faulk, George, Hall, Hickman, Hodges, Horton, Hudson, Jackson, Kilpatrick, Lane, Lea, McCollum, McVay, Moore of W. Murphree, Musgrove, Oliver, Philpot, Richardson, Roberts, Ross, Rugeley, Sanders, Shortridge, Townsend, Ward and Williams.

Mr Coopwood then moved that the resolution be re-committed to a select committee; which was carried: Whereupon messrs Coopwood, Dillet, Scott and Rather, were appointed said committee.

Mr Moore of M. from the committee on lands, appropriated for Internal Improvement, to which was referred a resolution instructing them to inquire into the expediency of allowing by law, settlers on the reservation of lands lying and extending one mile out from the Tennessee river, occupants on their respective settlements who have not taken what is called floating claims, reserving however, for the benefit of the State, and the use of improvements, which may be necessarily made on said river, such timber, rocks, &c. as may be thought necessary, reported that it would be inexpedient to legislate on the subject; in which report the House concurred.

Mr Moore of M. from the same committee to which was referred a resolution instructing them to inquire into the expediency of remitting the interest which may have accrued on moneys which has become due for lands which has been valued under one dollar and twenty-five cents per acre, reported that it would be inexpedient to legislate on the subject, and ask leave to be discharged. Mr Coopwood moved that the report lie on the table; which was carried.

Mr Lawler, from the committee on roads, bridges and ferries, to which was referred a resolution instructing them to inquire into the expediency of selling the public ferries owned by the State, across the Cahawba and Alabama rivers, at the town of Cahawba, reported that it is inexpedient to sell said ferries, and ask to be discharged from the further consideration of the subject. Mr Taylor moved to lay the report on the table; which was carried.

The same committee, to which was referred the petition of sundry citizens of Greene county, praying the passage of a law to discontinue the road laid out from Montevallo to Greensborough; also, three counter petitions of sundry citizens of Perry county, praying that said road may not be discontinued, reported that it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.—Mr Chiles moved that the report lie on the table; which was carried.

Mr Acklen made the following report:

The committee appointed on the part of this House, to act jointly with the committee appointed on the part of the Senate, to examine the returns of the differ-

ent sheriffs of the several counties in this State, shewing the number of votes in their respective counties, for and against the proposed amendment to the Constitution, so as to have biennial sessions of the General Assembly, have discharged that duty, and respectfully submit the following report :

The committee, in their examination, have directed their attention, first, to the returns of the different returning officers of the several counties in this State, and find returns made from all the counties, (the county of Henry excepted,) and that they have been made in pursuance of law. Secondly, they have examined, and find that the Resolutions proposing the amendment to the Constitution, have been duly published in print three months before the last August election, according to the requisitions of the Constitution. And, thirdly, they find, from a careful inspection of all the votes, as exhibited by the returns made by the returning officers of this State, that there are in favor of the proposed amendment to the Constitution 14 806 votes ; opposed to it, 13 930 votes ; silent, 2,353 : which last mentioned number added to the votes against the proposed amendment, will make 16 283 votes : from which deduct 14 806, the number in favour of the proposed amendment to the Constitution, and it will leave a majority of 1477 votes opposed to the amendment. Therefore, as it appears that a majority of all the citizens of this State voting for Representatives, have not voted for the proposed amendment of the Constitution, and the facts herewith reported, the committee beg leave to be discharged from the further consideration of the subject ; which was granted.

Mr Shortridge, from the select committee to which was referred the memorial of certain commissioners in relation to the boundary line between the counties of Tuscaloosa, Greene and Pickens, reported a bill to be entitled an act supplementary to an act entitled an act appointing commissioners to establish the line between Tuscaloosa, Greene and Pickens, approved, January 20th, 1830 ; which was read and ordered to a second reading.

Mr Rather moved that the orders of the day be suspended for the present ; which was carried.

Mr Coopwood, from the select committee to which was referred sundry resolutions on the subject of transporting the United States mail on Sunday, reported other resolutions as a substitute in lieu thereof ; which were adopted. Mr Taylor moved to amend the resolution by striking out the second member of said resolution. Mr Conner moved to amend Mr Taylor's motion by striking out the 3d member of the resolution. A division of the question being called for, the vote was first taken on Mr Taylor's motion to strike out, and lost. Yeas 32—Nays 36.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Acklen, Barclay, Brodnax, Brown, Chiles, Conner, Cook, Cunningham, Dillett, Durand, Everett, Gilbreath, Harris, Herbert, Hickman, Hogg, King of J. King of M. Lawler, Massey, McVay, Mobley, Moore of M. Moore of W. Rather, Roberts, Scott, Stephens, Taylor, Williams and Young.

Those who voted in the negative are messrs Baker, Boyd, Clark, Clough, Coker, Collins, Coopwood, Dabose, Dillahunty, Faulk, George, Hall, Hodges, Hogan, Horton, Hudson, Jackson, Kilpatrick, King of P. Lane, Largford, Lea, Mardis, McCollum, Metcalfe, Murphree, Musgrove, Oliver, Philpot, Richardson, Ross, Sanders, Shortridge, Townsend, Walker and Ward.

Mr Conner moved that the resolution be indefinitely postponed ; which was lost. Yeas 11—Nays 58.

The yeas and nays being desired, those who voted in the affirmative are, messrs Barclay, Chiles, Conner, Cook, Cunningham, Dillett, Everett, Hogg, King of M. Scott and Taylor.

Those who voted in the negative are, messrs Speaker, Acklen, Baker, Boyd, Brodnax, Brown, Clark, Clough, Coker, Collins, Coopwood, Dabose, Dillahunty, Durand, Faulk, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Ho-

gan, Horton, Hudson, Jackson, Kilpatrick, King of J. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, McCollum, McVay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpott, Rather, Richardson, Roberts, Ross, Rogeley, Sanders, Shortridge, Stephens, Townsend, Walker, Ward, Williams and Young.

Mr Roberts offered the following amendment: *And be it further resolved*, that all those Senators who voted for the adoption of that report, are entitled to the thanks of the friends of civil and religious freedom, and that those in the opposition could have been actuated by no other motives than the desire of uniting Church and State, a state to be guarded against by every true lover of the Constitution and the future prosperity of the country. Mr Mobley moved for a call of the House. Mr Speaker stated that it requires a majority for a call of the House, and not by motion only; from which decision Mr Mobley appealed.

Those who voted in favor of sustaining the decision of Mr Speaker, are messrs Boyd, Brodnax, Chiles, Clark, Clough, Coker, Collins, Cook, Coopwood, Cunningham, Dubose, Dillahunty, Faulk, Gilbreath, Herbert, Hickman, Hodges, Hogan, Horton, Hudson, Jackson, Kilpatrick, King of J. King of P. Langford, Lawler, Lea, Massey, McCollum, McVay, Metcalfe, Murphree, Musgrove, Oliver, Philpott, Ross, Rogely, Townsend, Walker, Ward and Williams.—41.

Those who voted against sustaining the decision made by Mr Speaker are, messrs Acklen, Baker, Barclay, Brown, Conner, Dillett, DuRand, Everett, George, Hall, Harris, Hogg, King of M. Lane, Mardis, Mobley, Moore of M. Moore of W. Rather, Richardson, Roberts, Sanders, Scott, Shortridge, Stephens, Taylor and Young.—27.

And then the House adjourned till to-morrow morning at 10 o'clock.

Wednesday Dec 8. 1830.—The House met pursuant to adjournment.

On motion of Mr Moore of M., *Ordered*, that Mr King of M. have leave of absence for the day.

Mr Taylor presented the petition of sundry inhabitants of Dallas county, praying the passage of a law to authorize Leonard Abercrombie, to establish a ferry over the Alabama river, below Shorts creek; which was read and referred to a select committee, consisting of messrs Taylor, Hogan and Herbert.

Mr Brown presented the petition of sundry inhabitants of Jefferson county, praying that the dividing line between the counties of St. Clair and Jefferson may not be altered; which was read and referred to the committee on county boundaries.

Mr King of J. presented sundry documents as evidence in favor of the claims of L. G. McMillion and Aquilla Pierce; which were read and referred to the committee on accounts.

Mr Ross presented the account of Wildon Owsly; which was read and referred to the committee on accounts.

Mr Mobley, from the committee on accounts to which was referred sundry claims against the State, reported a bill to be entitled an act making appropriations for certain claims against the State; which was read a first time and ordered to be read a second time to-morrow.

A message from the Senate by Mr Gayle: Mr Speaker—I am instructed by the Senate to inform you that they have read three several times and passed bills, which originated in the House of Representatives of the following titles, to wit: an act to furnish each commissioner of revenue and roads with the statutes of the State, and an act to change the names and render legitimate, certain persons therein named. They have also read three several times and passed a joint resolution and bills which originated in their House of the following titles, to wit: joint resolution providing for the distribution of the Laws of the United States; an act making

further regulations for selling the University lands ; an act to authorize attorneys of adjoining States to practice law in this State under certain restrictions ; an act to divorce Eliza Bolt from Lewis Bolt ; an act to authorize justices of the peace to take bail in certain cases ; and, an act to enable the State of Alabama to sell and dispose of certain reserved lands therein named ; in all of which they respectfully ask the concurrence of your honorable body.

Bills and joint resolution from the Senate of the following titles, viz : joint resolution providing for the distribution of the laws of the United States ; an act making further regulations for selling the University lands ; an act to authorize attorneys of adjoining States to practice law in this State under certain restrictions ; an act to divorce Eliza Bolt from Lewis Bolt ; an act to authorize justices of the peace to take bail in certain cases ; and, an act to enable the State of Alabama to sell and dispose of certain reserved lands therein named ; were severally read a first time and ordered to a second reading on to-morrow.

Mr Harris moved to suspend for the present the 45th rule, with a view to take into consideration the resolution reported by the committee on privileges and elections, in the case of the contested election from the county of Monroe ; which was lost.

Mr Brodnax, from the committee on county boundaries to which was referred the petition of sundry inhabitants of Shelby county, reported a bill to be entitled an act to attach a part of the county of Montgomery to the county of Shelby ; which was read a first time and ordered to be read a second time to-morrow.

Mr Acklen made the following report : the committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit ; an act requiring the sheriffs of Tuscaloosa and Lauderdale counties to return a list of the qualified jurors in their counties at different times than those now prescribed by law, and an act to revive and continue in force an act to incorporate the town of Cahawba, passed, December 3d, 1819 ; all of which originated in this House.

Mr Young, from the committee on inland navigation to whom was referred the bill from the Senate entitled an act to authorize Thomas A. Heard of Walker county, to erect a mill and other water works on the Black Warrior river, reported the following amendments : strike out the word *across*, in the 3d line of the 2d section, and insert in lieu thereof, the words *on the waters of* ; after the word *space*, in the 5th line of the 2d section, insert the words *embracing the main channel of said river* ; which was adopted : the bill was then ordered to be read a third time to-morrow.

Mr Dillett, from the judiciary committee to whom was referred the bill entitled an act relating to the acknowledgement or proof of deeds and relinquishment of dower, reported the same without amendment ; it was then ordered to be engrossed for a third reading to-morrow.

The same committee, to which was referred a resolution directing them to inquire into the expediency of passing a law to compel justices of the peace to give security for the faithful discharge of their duties, and to make justices of the peace liable for failing to take sufficient security on appeals from their judgements, reported a bill to be entitled an act to compel justices of the peace to give security and for other purposes ; which was read a first time and ordered to be read a second time to-morrow.

Mr Richardson, from the judiciary committee to whom was referred the bill entitled an act for the relief of securities in constables' bonds, reported the same with an amendment, by adding a proviso at the end of the 2d sec-

tion. Mr Conner moved that the bill and report lie on the table; which was carried.

Mr Moore of M. from the committee on lands appropriated for internal improvement to which was referred the bill from the Senate entitled an act to authorize the register of the land office at Courtland, to correct mistakes in the prices of lands, reported that the passage of such a law would be inexpedient, and ask to be discharged from the further consideration thereof. Mr Coopwood, moved to lay the bill and report on the table; which was carried.

The same committee to which was referred the bill entitled an act authorizing the register of the land office at Courtland, to correct mistakes in the prices of lands, reported that the passage of such a law would be inexpedient, and ask leave to be discharged from the further consideration thereof. Mr Coopwood moved that the report lie on the table; which was carried.

Mr Kilpatrick from the select committee to whom was referred the bill entitled an act to alter and change the time of holding the County Court of the county of Pickens, reported the same with sundry amendments; a division of the question on the amendments was called for, and the vote was first taken on the first amendment and carried. Mr Acklen moved to lay the report on the table; which was carried.

Mr Townsend, from the select committee to whom was referred the bill entitled an act to change the time of holding the County Court of Pike county, reported the same as amended by striking out all of the bill after the enacting clause, and by substituting another in lieu thereof; which was adopted. It was then ordered to be engrossed for a third reading to-morrow.

Mr Dillahunty obtained leave to introduce a bill to be entitled an act for the relief of William Jones, tax collector of Lawrence county; which was read a first time and ordered to be read a second time to-morrow.

Mr Sanders obtained leave to introduce a bill to be entitled an act for the support of paupers in the county of Limestone; which was read a first time and ordered to be read a second time to-morrow.

Mr Sanders called up the report of the Tennessee canal commissioners. It was referred to the committee on lands appropriated for internal improvement.

On motion of mr Sanders: *Resolved*, that the committee on propositions and grievances be instructed to inquire into the expediency of allowing to each family in this State, in addition to what is now allowed by law free from execution, distress or levy, one work horse and such other articles as they may believe will conduce to the comfort, support and necessary convenience of the helpless women and children; and they have leave to report by bill or otherwise.

Mr M'Vay offered the following resolution: *Resolved*, that the committee on roads, bridges and ferries, be instructed to inquire into the expediency of exempting by law cripples and infirm persons' from working on roads, with leave to report by bill or otherwise. Mr Clark moved to postpone the further consideration of the resolution to the first Monday in August next; which was lost. The resolution was then rejected.

On motion of mr Moore of M.: *Resolved*, that the committee on roads, bridges and ferries be instructed to inquire into the expediency of so amending the road laws as to compel free persons of color to work on roads, streets and public highways, with leave to report by bill or otherwise.

On motion of Mr Moore of M. *Resolved*, that the committee on the judiciary be instructed to inquire into the expediency of passing a law to prohibit the emigration of free negroes from other States into this State, with leave to report by bill or otherwise.

Mr Moore of M. offered the following preamble and resolution: Whereas, the constitution of the State of Alabama declares that schools and the means of education shall forever be encouraged in this State; therefore, *Resolved*, that the committee on education be instructed to inquire into the expediency of so amending an act to establish La Grange College, approved, January 19th, 1830, as will give the encouragement to education contemplated by the constitution, with leave to report by bill or otherwise; which was adopted.

Mr Acklen moved to suspend for the present the orders of the day; which was carried.

Mr Moore of M. offered the following resolution: *Resolved*, that the committee on inland navigation, be instructed to inquire into the expediency of authorizing by law, the Board of Internal Improvement of the State of Alabama, to appropriate so much of the three per cent fund as may be reasonable to aid the individual donations that have been made, and which may hereafter be made, for the purpose of removing certain dangerous rocks in the Muscle Shoals, with leave to report by bill or otherwise. Mr Clark moved that the further consideration of the resolution be postponed to the first Monday in August next; which was lost. Yeas 27—Nays 40.

The yeas and nays being desired, those who voted in the affirmative are messrs Boyd, Brodnax, Brown, Clark, Clough, Coker, Collins, Conner, H H, Herbert, Hogan, Hogg, King of J. King of P. Langford, Lawler, Lea, Mardis, Massey, McCollum, Metcalfe, Mobley, Moore of W. Taylor, Walker, Ward and Young.

Those who voted in the negative are messrs Speaker, Acklen, Baker, Barclay, Chiles, Cook, Coopwood, Cunningham, Dillibouty, Dillitt, Durand, Everett, Faulk, George, Gilbreath, Harris, Hickman, Hodges Horton, Hudson, Jackson, Kilpatrick, Lane M Vay, Moore of M. Murphree Musgrave, Oliver, Philpot, Rather, Richardson, Roberts, Ross, Rugely, Sanders, Scott, Shortridge, Stephens, Townsend and Williams.

Mr Baker offered the following amendment: And farther to inquire into the expediency of appropriating a part of said fund to the construction of a State road from Tuscaloosa to Montgomery, by the way of Montevallo, and the improvement of the road from Montgomery to Columbus, Georgia; and the stage road from Montgomery to Blakely. Mr Rather moved that the resolution lie on the table; which was lost.—Yeas 29—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Boyd, Brodnax, Brown, Chiles, Coker, Collins, Conner, Cook, Faulk, Hall, Hogg, Horton, Jackson, Kilpatrick, King of J. Langford, Lawler, Lea, Mardis, Massey, Mobley, Rather, Ross, Taylor, Townsend, Ward, Williams and Young.

Those who voted in the negative are, Messrs Acklen, Baker, Barclay, Clark, Clough, Coopwood, Cunningham, Dillitt, Durand, Everett, George, Gilbreath, Harris, Herbert, Hickman, Hodges, Hogan, Hudson, King of P. McCollum, M Vay, Metcalfe, Moore of M. Murphree, Musgrave, Oliver, Philpot, Richardson, Roberts, Rugely, Sanders, Scott, Shortridge, Stephens, and Walker.

Mr Mobley moved the previous question: which was disagreed to.—The question recurred on Mr Baker's amendment: which was adopted.—Mr Roberts offered the following amendment: *And be it further resolved*, that the said committee inquire into the expediency of appropriating a reasonable sum of money for the purpose of removing the obstructions in

M'Grew's Shoals, near St Stephens, in the Tombeckbee river. Mr Musgrove moved to amend mr Roberts' amendment with the following: And further to inquire into the expediency of applying a part of said fund to the opening of the Squaw Shoals, in the Black Warrior river; which was adopted. Mr Lawler then moved that the resolution be indefinitely postponed; which was carried. Yeas 33—Nays 32.

The yeas and nays being desired, those who voted in the affirmative are messrs Boyd, Brodnax, Brown, Chiles, Clark, Collins, Coopwood, Dillahunty, Everett, Hall, Herbert, Hodges, Hogan Hogg, Horton, Hudson, Jackson, King of J. King of P. Langford, Lawler, Lea, Mardis, Massey, McCollum, Metcalfe, Moore of W. Rather, Taylor Townsend, Walker, Ward and Young.

Those who voted in the negative are messrs Speaker, Acklen, Baker, Barclay, Clough, Coker, Cook, Cunningham, Dillelt, Durand, Faulk, George, Gilbreath, Harris, Hickman, Lane, McVay, Mobley, Moore of W. Murphree, Musgrove, Oliver, Philpot, Richardson, Roberts, Ross, Rugely, Sanders, Scott, Shontridge, Stephens and Williams.

Mr Acklen offered the following resolution: *Resolved*, that the military committee be instructed to inquire into the expediency of authorizing appeals from the decision of courts martial, to circuit and county courts, upon points of law, requiring security of the appellant, with leave to report by bill or otherwise; which was lost.

On motion of mr Scott: *Resolved*, that the committee on the State Bank, be instructed to inquire into the expediency of establishing an office of deposit and discount, at some point in the Tennessee Valley, in the Northern District of Alabama, with leave to report by bill or otherwise.

Mr Rather obtained leave to introduce a bill to be entitled an act to incorporate the Sommerville Academy in Morgan county; which was read a first time and ordered to be read a second time to-morrow.

Mr Rather offered the following resolution: *Resolved*, that with the concurrence of the Senate, the two Houses will convene in the Representative Hall to-morrow, Thursday the 9th inst. at the hour of 12 o'clock, for the purpose of going into the election of a Comptroller of Public Accounts, State Treasurer and Quartermaster General. Mr Coopwood moved to amend the resolution by striking out the words "to-morrow, Thursday, the 9th inst." and the word "twelve," to insert "on Monday the 13th inst. and eleven," so that it would read on Monday the 13th inst. at 11 o'clock; which was lost. Yeas 27—Nays 37.

The yeas and nays being desired those who voted in the affirmative are, messrs Boyd, Brown, Clark, Clough, Collins, Conner, Cook, Coopwood, Dillahunty, Everett, Faulk, George, Hall, Herbert, Hickman, Hodges, Hogan, King of P. Langford, Lea, Moore of M. Moore of W. Richardson, Roberts, Sanders, Shontridge and Taylor.

Those who voted in the negative are messrs Speaker, Acklen, Baker, Barclay, Brodnax, Chiles, Coker, Cunningham, Dillelt, Durand, Gilbreath, Harris, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. Lane, Lawler, Mardis, McCollum, McVay, Metcalfe, Mobley, Murphree, Musgrove, Oliver, Philpot, Rather, Ross, Rugely, Stevens, Townsend, Walker, Ward and Williams.

And the question being put, Shall this resolution be adopted? it was determined in the affirmative. Yeas 34—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Acklen, Baker, Brodnax, Coker, Cook, Dillelt, Durand, Harris, Herbert, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. Lane, Lawler, Mardis, McCollum, Metcalfe, Mobley, Murphree, Musgrove, Oliver, Philpot, Rather, Ross, Rugely, Taylor, Townsend, Ward, Walker and Williams.

Those who voted in the negative are messrs Barclay, Boyd, Brown, Chiles, Clark, Clough, Collins, Conner, Coopwood, Cunningham, Dillahunty, Faulk George, Gil-

breath, Hall, Hickman, Hodges, Hogan, King of P. Lea, McVay, Moore of M. Moore of W. Richardson, Roberts, Sanders, Scott, Shortridge, Stephens, and Young.

On motion of Mr Philpot: *Resolved*, that the committee on lands appropriated for Internal Improvement, be instructed to inquire into the expediency of passing a law authorizing the entry of tracts of forty acres of land, or one fourth of quarter sections, as the case may be, on any of the lands granted to this State by Congress, for the improvement of the navigation of Tennessee and other rivers, and report by bill or otherwise.

Mr Hickman obtained leave to introduce a bill to be entitled an act more fully to compel the speedy service of warrants issued by justices of the peace in civil cases; which was read a first time and ordered to a second reading to-morrow.

Mr Rugely, from the select committee to which was referred the petition of sundry inhabitants of Hayneville, reported a bill to be entitled an act to incorporate the town of Hayneville; which was read a first time and ordered to a second reading to-morrow.

And then the House adjourned until to-morrow morning at 10 o'clock.

Thursday, Dec. 9, 1830.—The House met pursuant to adjournment.

Mr Moore of M. presented the petition of Solomon Spence and Daniel McLeod, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to the committee on propositions and grievances.

Mr Shortridge presented the petition of sundry inhabitants of Tuscaloosa county, praying the passage of a law in relation to private pass-ways; which was read and referred to the judiciary committee, to consider and report thereon.

Mr Everett presented a petition, as also a resolution of the Board of Port Wardens of the city of Mobile, in relation to the Port and Harbor of Mobile; which was read and referred to the Representatives of Mobile and Baldwin counties.

Mr Speaker laid before the House a communication from the Secretary of State, which is as follows:

SECRETARY OF STATE'S OFFICE, TUSCALOOSA, Dec. 9, 1830.

Hon. James Penn. Speaker of the House of Representatives,

Sir: I have the honor to inform you, that I received by the last evening's mail, a letter from John C. Godbold, returning officer of Monroe county, containing the accompanying packet. I have the honor to be, JAMES L. THORNTON.

Ordered, that said communication, with the accompanying documents, lie on the table.

Mr Conner presented the petition of sundry inhabitants of Marengo county, praying that commissioners may be appointed to review a certain road therein mentioned; which was read and referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr Mobley moved to suspend for the present, the rule which requires reports from standing committees to be made; which was carried.

Mr Mobley made the following report:

The joint committee of both Houses of the General Assembly appointed to examine the accounts, vouchers, and books of the offices of the Comptroller and Treasurer, have performed the duty assigned them, and beg leave to report.—That they first examined the books, vouchers and accounts of both officers from the day on which the present incumbents entered on the discharge of their duty, to the 26th day of November last, the date of their annual reports; by comparing the vouchers in the Comptroller's office with the law authorizing their payment, and by comparing them with the Comptroller's books and the warrants issued thereon; they also compared the books of the Comptroller and Treasurer, and all the vouchers in the Treasurer's

office with his books; the additions of the books in both offices were examined with great care, and were found to be minutely correct. The books appear to have been kept in the neatest and best manner, and the vouchers have been correctly filed.— The cash in the Treasury, including \$135 of Fayetteville Bank notes, and \$24 75 in Treasury notes, was found to be \$269 10 98 1 2 on the 26th day of November last; which was evidenced to us by the amount deposited in the Bank on that day. Your committee consider it due to those officers, to acknowledge the facility afforded by them in the examination, and the promptness with which every inquiry was answered. The same mode of examination was pursued as regards the University funds, and up to the same date. Your committee might have here closed their labors, it being the day from which the committee of next year would commence their examination, but in order to avoid overlooking any error that might have occurred, up to the day their examination closed, (the 6th inst.) they made a further examination up to that day, which they found to be equally satisfactory. The \$24 75 in Treasury notes, your committee destroyed, and authorized the Treasurer to give himself credit for that amount. WM. MOBLEY, Chairman on the part of the House.

NEAL SMITH, Chairman on the part of the Senate.

Ordered, that said report lie on the table.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to change the names and render legitimate, certain persons therein named; and an act to furnish each commissioner of revenue and roads, with the statutes of this State; all of which originated in this House.

Mr Young, from the judiciary committee to which was referred so much of the Governor's message as relates to the establishment of a separate Supreme Court, or a separate court having chancery jurisdiction, reported that there is now a bill before this House embracing the objects of said reference, and therefore, ask leave to be discharged from the further consideration of the subject; which was granted.

Mr Young, from the judiciary committee to whom was referred a resolution instructing that committee to inquire what legislation, if any, is necessary in relation to the proper time for the return of process of execution which may be issued from the Orphans' Court, reported a bill to be entitled an act to limit the return of executions issued from the Orphans' Court; which was read a first time and ordered to be read a second time to-morrow.

Mr Young, from the judiciary committee to whom was referred a resolution instructing them to inquire into the propriety of enacting a law, making the per centage allowed by way of damage on the affirmance of judgments on appeals and writs of error, from the County to the Circuit Courts, the same as on appeals or writs of error, from the County or Circuit Courts to the Supreme Court, reported a bill to be entitled an act to amend the act regulating judicial proceedings; which was read a first time and ordered to be read a second time to-morrow.

Mr Dillett, from the same committee to whom was referred the petition of Robert Craig, praying that an act might be passed authorizing that the dower to which his wife, late the relict of William T. Bryant, is entitled in certain lands, of which said Bryant was seized at the time of his death, might be allotted and set apart in one body, reported that the prayer is unreasonable, and that it is inexpedient to grant the same. Mr Conner moved that the report lie on the table; which was carried.

The same committee, to whom was referred a resolution directing them to inquire into the propriety of vesting in the court of revenue and roads of each county authority of fixing the compensation of jurors, and the manner of paying said jurors for said counties, reported that the altera-

tion suggested by the resolution would be inexpedient; in which report the House concurred.

The same committee, to which was referred a resolution directing them to inquire whether the boundary line of each and every county in this State ought not to be recognized for the prison bounds in each and every county in said State, by giving bond and good security, reported that the act proposed by the resolution would be inexpedient; in which report the House concurred.

Mr Shortridge, from the same committee to whom was referred a resolution instructing them to inquire into the expediency of passing a law, declarative of the length of time for which a clerk of the Circuit or County Court shall hold his office when elected, after a vacancy shall have happened by a former incumbent having failed to give bond, or otherwise, reported a joint resolution, declaring the tenure of clerks after a vacancy in the office shall have happened by the former incumbent failing to give bond, or otherwise; which was read and ordered to a second reading tomorrow.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have read three several times and passed bills which originated in their House, entitled an act supplemental to an act entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and for other purposes; and an act to compensate Levi Robbins for apprehending a horse thief. They have also read three several times and passed a joint resolution, entitled joint resolution requiring the Secretary of State, Comptroller of Public Accounts, or Treasurer of the State, to administer the oaths of office to the members of the General Assembly; in which bills and joint resolution, they respectfully request the concurrence of your honorable body.

The bill from the Senate entitled an act to compensate Levi Robbins for apprehending a horse thief, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith and referred to the committee on propositions and grievances.

Bill and joint resolution from the Senate of the following titles, to wit: an act supplemental to an act entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes; joint resolution requiring the Secretary of State, Comptroller of Public Accounts or Treasurer of the State to administer the oaths of office to the members of the General Assembly, were severally read a first time and ordered to be read a second time tomorrow.

Mr Dillett, from the judiciary committee to whom was referred a resolution directing them to inquire into the expediency of digesting in pamphlet form, all the laws in relation to the duties of justices of the peace and constables, reported that they believe the subject of the resolution sufficiently provided for by the bill now before the House, making provisions for a digest of the laws of the State of Alabama, and respectfully ask to be discharged from the further consideration of the resolution; which was granted.

Mr Cook, from the committee of ways and means to whom was referred a resolution instructing them to inquire into the expediency of establishing a penitentiary in this State, and to whom was also referred so much of the Governor's message as relates to that subject, reported that it is inexpedient at this time to legislate on the subject; in which they desire the

concurrence of the House. Mr Moore of M. moved to lay the report on the table; which was carried.

The same committee, to whom was referred a resolution instructing them to inquire into the expediency of repealing the law imposing a white poll tax, reported that it is inexpedient to repeal said law; in which they ask the concurrence of the House. Mr Scott moved that the report lie on the table; which was lost: it was then concurred in.

Mr Lea, from the select committee to whom was referred the several memorials and resolutions, instructing them to inquire into the expediency of memorializing Congress on the subject of the public lands in this State, reported a memorial to the Congress of the United States in relation to public lands. Mr Moore of M. moved that the further consideration of said memorial be postponed, and that it be made the special order of the day for to-morrow; which was carried.

Mr Cook, from the select committee to whom was referred the bill from the Senate, entitled an act to prevent the citizens of this State from being sued in civil cases before any justice of the peace out of the beat in which they may respectively reside, reported the same with the following amendment, by striking out all after the enacting clause, to insert another bill in lieu thereof; which was adopted. Mr Lawler moved to amend the bill by way of the following proviso: "provided that nothing herein contained shall be so construed as to extend to the collection of debts due to physicians for medicine or for professional services;" which was lost. Mr Durand offered the following amendment: *Provided*, nothing herein contained shall be so construed to extend to justices in the counties of Mobile, Shelby, Clarke and Morgan. Mr Acklen moved that the further consideration of the bill be postponed to the 1st Monday in August next; which was lost. Yeas 15—Nays 47.

The yeas and nays being desired those who voted in the affirmative are, messrs Speaker, Acklen, Boyd, Dillett, Durand, Everett, Gilbreath, Hickman, Lawler, mardis, mobley, Rather, Richardson, Sanders and Young.

Those who voted in the negative are, messrs Baker, Barclay, Broderix, Brown, Clark, Clough, Coker, Collins, Cook, Coopwood, Cunningham, Dubose, Dillahunty, Faulk, George, Hall, Herbert, Hodges, Hogan, Hogg, Horton, Jackson, Kilpatrick, King of J. King of P. Lane, Lea, Massey, McCollom, mVay, Metcalfe, Moore of M. Moore of W. Morphree, Musgrove, Oliver, Roberts, Ross, Rugely, Scott, Shurtidge, Stephens, Taylor, Townsend, Walker, Ward and Williams.

Mr Mobley then moved that the bill lie on the table; which was lost. The question recurred on Mr Durand's amendment. Mr Hudson moved the previous question, which precludes the amendment; and the question was, shall the main question be now put? which was determined in the affirmative, and the question was on ordering the bill to a third reading to-morrow, and carried.

A message was received from the Senate by Mr Gayle: Mr Speaker—The Senate have instructed me to inform you that they have concurred in the resolution adopted by your honorable body, proposing to go into the election of a comptroller of public accounts, a state treasurer and quarter master general, on to-day at the hour of 12 o'clock.

A message was received from the Governor by James I. Thornton:

December 9th, 1830.—Mr Speaker: I am requested by the Governor, to inform your honorable body, that he did on the 8th instant, approve and sign the following bills: an act to amend the act incorporating Marion academy in Perry county; an act to authorize the County Court of Dale county to sell certain public buildings therein named; an act for the relief of Martha Williams; an act to change the name of a certain person therein

named; and on this day, 9th December, an act for the relief of Edmund Prince; an act for the relief of Thomas E. Tarrt; an act more effectually to secure the payment of jurors in the county of Lowndes; and, an act more effectually to secure the compensation allowed by law to jurors therein mentioned; all of which originated in the House of Representatives.

On motion of Mr. Rather: *Resolved*, that the Senate be informed that the House of Representatives is now ready to receive them in its Hall for the purpose of going into the election of a comptroller of public accounts, state treasurer and quarter master general. *Ordered*, that the clerk acquaint the Senate therewith.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two Houses proceeded to the election of a comptroller of public accounts, George W. Crabb alone being in nomination. For Mr. Crabb 87 votes.

Those who voted for Mr. Crabb are, Mr. President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Merrivether, Morton, Perry, Pickett, Powell, Smith, Vining and Walthall.—Reps. Mr. Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Conner, Cook, Greenwood, Cunningham, Debose, Dillert, Dillahunty, Durand, Everett, Faulk, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hulson, Jackson, Kilpatrick, King of J. King of P. Lane, Langford, Lawler, Lea, Marlis, Massey, McColom, McVay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrave, Oliver, Philpot, Rather, Richardson, Roberts, Ross, Rugely, Sanders, Scott, Shortridge, Stephens, Taylor, Townsend, Walker, Ward, Williams and Young.

George W. Crabb having received a majority of all the votes present was declared by Mr. Speaker to be duly elected comptroller of public accounts for the ensuing year.

The two Houses then proceeded to the election of a state treasurer, Hardin Perkins alone being in nomination. For Mr. Perkins 90 votes.

Those who voted for Mr. Perkins are, Mr. President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merrivether, Morton, Perry, Pickett, Powell, Smith, Vining and Walthall.—Reps. Mr. Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Conner, Cook, Greenwood, Cunningham, Debose, Dillahunty, Dillert, Durand, Everett, Faulk, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hulson, Jackson, Kilpatrick, King of J. King of P. Lane, Langford, Lawler, Lea, Marlis, Massey, McColom, McVay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrave, Oliver, Philpot, Rather, Richardson, Roberts, Ross, Rugely, Sanders, Shortridge, Scott, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

Hardin Perkins having received all the votes present, was declared by Mr. Speaker to be duly elected state treasurer for the ensuing year.

The two Houses then proceeded to the election of a quarter master general, Charles Lewin alone being in nomination. For Mr. Lewin 87.

Those who voted for Mr. Lewin are, Mr. President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Irwin, Merrivether, Morton, Perry, Pickett, Powell, Smith, Vining and Walthall.—Reps. Mr. Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Conner, Cook, Greenwood, Cunningham, Debose, Dillahunty, Dillert, Durand, Everett, Faulk, George, Gilbreath, Hall, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hulson, Jackson, Kilpatrick, King of J. King of P. Lane, Langford, Lawler, Lea, Marlis, Massey, McColom, McVay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrave, Oliver, Philpot, Rather, Richardson, Roberts, Ross, Rugely, Sanders, Scott, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

Charles Lewin having received all the votes present, was declared by Mr. Speaker to be duly elected quarter master general of the State of Alabama. The elections being completed the Senate withdrew.

It being 12 o'clock, Mr. Rugely moved to suspend for the present, the orders of the day; which was carried. Mr. Rugely then offered the fol-

lowing resolution: *Resolved*, that mr Speaker invite parson Ogden to preach in the Hall of the House of Representatives to-morrow evening at half past 6 o'clock; which was adopted.

Mr Oliver made the following report:

The special committee, to whom was referred that part of the Governor's Message which relates to the Tariff, and the Resolution directing the Committee to inquire into the expediency of the continuance of the system of appropriations for the purpose of Internal Improvement by the General Government, have had the same under consideration, and make the following Report:

That with regret they are compelled to say, from a full and dispassionate survey of the policy pursued by the Federal Government, that it is their clear conviction, in regard to the subject under consideration, that the spirit of the Constitution has been greatly disregarded; and they are led to this conclusion more especially from a short retrospective view of the operations of the Government. It cannot have escaped the attention of every observer, for it is matter of history, that soon after the formation of our federal compact, two political parties sprung up. One party advocated a *restrictive* or *literal* construction of the Constitution; the other party contended for an *enlarged* construction. The prosperity of the government has been more or less marked, as the one or the other party gained the ascendancy. Under the doctrine of *restrictive* construction, the State and Federal Governments have had no collisions. The freedom of industry and of the press have been respected; public servants were held to a strict accountability; whilst strict economy was observed in the operations of every department of the Federal Government; and the people, happy and attached to the government of their choice, pursued their avocations with a certainty of success, knowing that they would reap the profits of their toil, fearing no legal interpositions. But a melancholy reverse is the result, when we look to the practice of the government under the doctrine of *enlarged construction*. The alien and sedition laws are the fruits of this policy; and very recently we beheld the Constitution so construed as to enable Congress to regulate the labor of the country. Under pretence of raising a revenue, the interests of manufacturers are built up at the expense of the other interests of the community. We have seen immense sums raised from the substance of the whole community, and appropriated for Internal Improvement, benefiting a part only, and that which furnished the least proportion of the contribution. It is under this enlarged construction, that the "American System" exists, and is forced upon the people of the South, which causes so much discontent to pervade the country. But the majority, feeling their strength, have marched on from implication to precedent, until they claim it as the settled policy of the Government, under the Constitution. The minority have complained, remonstrated, entreated, and almost threatened; yet murmurings and remonstrances have been met with cold indifference, and further *enlarged* constructions of the Constitution. Therefore, that the views of the Legislature of the State of Alabama may be fully known, and deliberately expressed, your committee recommend the adoption of the following Resolutions:

Resolved, That the several acts of Congress, which are termed the 'Tariff Acts, and more especially that of 1828, bear oppressively and unjustly upon the agricultural, commercial, and shipping interests of our country, and are violations of the principles of equality, acting as bounties on certain classes of industry, and as prohibitions on others. No law can be right which parcels out the labor and profits of one portion of the community, and that the most depressed, for the benefit of another, the most prosperous.

Resolved, That laws which create artificial channels of trade, and that tax the many for the few, and burthen the freedom of industry, by pampering a privileged order, under the pretended sanction of the Constitution, will create a despotism which has not the redeeming features of an European tyranny; a tyranny which generally depends upon the caprice of an individual, or a few accomplices, liable to be gluttoned at some point of exaction, and often working its own demolition by its selfish and separate interest from that of the people.

Resolved, That the Constitution does not authorize the appropriation of the

funds of the Treasury by the General Government, for the purpose of Internal Improvement; and in the language of the President, "that if it be the wish of the people, that the construction of roads and canals should be conducted by the Federal Government, it is not only highly expedient, but indispensably necessary, that a previous amendment of the Constitution, delegating the necessary power, and defining and restricting its exercise with respect to the sovereignty of the States, should be made."

Resolved That the legislation of money out of the pockets of the people of one State, to create and establish monopolies in another, cannot be sanctioned, nor be indefinitely endured by those who have a proper sense of their liberties and rights; that when the General Government overleaps the delegated powers of the Constitution, the only course left a sovereign State is, to remonstrate firmly, until argument and entreaties are exhausted; and that unqualified resistance should be the last alternative between submission on the one hand, and the liberty of the people on the other.

Resolved, That the Governor be requested to forward to each of our Senators in the Congress of the United State, a copy of the foregoing preamble and resolutions.

Mr Mardis moved that the report lie on the table, and that one hundred copies be printed for the use of this House; which was carried.

Mr Baker obtained leave to introduce a bill to be entitled an act for the relief of Philemon Waters; which was read a first time and ordered to be read a second time on to-morrow.

Mr Baker introduced a bill to be entitled an act for the relief of John S. Bailey; which was read a first time and ordered to be read a second time to-morrow.

Mr Baker introduced a bill to be entitled an act to repeal an act to establish a board of internal improvement for the State of Alabama; which was read a first time and ordered to be read a second time to-morrow.

Mr Oliver offered the following rule: *Rule* — when the yeas and nays are called on any question, should a member or members be absent when the question is taken, should such member or members return before the question is decided, such member or members shall have the privilege of asking the Speaker what the question is, and it shall be the duty of the Speaker to state the question, and the member or members shall have the liberty to vote without discussion; which lies over one day.

On motion of Mr Conner: *Resolved*, that the committee on the State Bank be instructed to inquire into the expediency of so amending the Bank charter as to authorize the Legislature to elect the cashier thereof, and that they report by bill or otherwise.

Mr Conner obtained leave to introduce a bill to be entitled an act to amend the law relative to the sale of sixteenth sections of lands in the State of Alabama; which was read a first time and ordered to a second reading to-morrow.

Mr Coker obtained leave to introduce a bill to be entitled an act permanently to fix the seat of justice in the county of Monroe; which was read a first time and ordered to be read a second time on to-morrow.

On motion of Mr Faulk: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of amending the law so as to dispense with the necessity of renewing every thirty days, executions issued by justices of the peace, and of saving the expense thereof; with leave to report by bill or otherwise.

On motion of Mr Dillett: *Resolved*, that the committee on the State Capitol inquire what amount of money will be necessary to put a good roof on the State Capitol, and report the result of their inquiries to this House.

Mr Everett obtained leave to introduce a memorial to the Congress of the United States, on the subject of granting 300,000 acres of land to the State of Alabama; which was read and referred to the committee on inland navigation to consider and report thereon.

Mr Everett obtained leave to introduce a bill to be entitled an act to amend an act entitled an act to amend an act to regulate the licensing physicians to practice and for other purposes, passed the 15th day of January, 1830; which was read the first time and ordered to a second reading on to-morrow.

On motion of Mr Everett, the two reports from the commissioners appointed by an act of the General Assembly of Alabama, to view and mark out a way for a State road from Tuscaloosa to Mobile, were taken from the table and referred to the committee on roads, bridges and ferries, to consider and report thereon.

On motion of Mr Everett: *Resolved*, that the committee on roads, bridges and ferries be instructed to inquire into the expediency of appropriating a portion of the State tax levied in the counties of Greene, Marengo, Clarke, Washington and Mobile, to the erection of causeways and bridges on the road marked out under the authority of the State, from Greensborough, in Greene county, to the city of Mobile.

On motion of Mr Everett, Mr Conner was added to the committee on inland navigation.

Mr Durand obtained leave to introduce a bill to be entitled an act concerning the County Courts of Mobile county, and for other purposes; which was read the first time and ordered to a second reading on to-morrow.

On motion of Mr King of P.: *Resolved*, that the judiciary committee be instructed to inquire into the propriety of amending the law so as to authorize county surveyors to run and mark section lines and establish corners where there appears to be a deficiency, with leave to report by bill or otherwise.

Mr Lea offered the following resolution: *Resolved*, that the committee on the military be instructed to inquire into the policy and expediency of taxing the citizens of this State, so as to raise a fund to be appropriated exclusively to military purposes, with leave to report by bill or otherwise. Mr Brown moved that the further consideration of the resolution be postponed till the first day of August next; which was carried.

The yeas and nays being desired those who voted in the affirmative are messrs Speaker Acklen Barclay Boyd Brodnax Brown Chiles Clark Clough Coker Collins Conner Cunningham Debusse Dillabundy Durand Gilbreath Hall Harris Herbert Hickson Hodges Hogg Hudson King of P. Lane Langford Lawler Mardis Mossey McGillion McVay Mobley Moore of M. Moore of W. Murphy Mosgrove Rafter Richardson Roberts Rugeley Taylor Townsend Walker Ward and Williams—46.

Those who voted in the negative are messrs Coopwood Dillet Faulk Hogan Lea Ross and Shortridge—7.

On motion of Mr Lea, Mr Oliver was added to the committee on inland navigation.

On motion of Mr Lea, Mr Everett was added to the committee on the military.

On motion of Mr Townsend: *Resolved*, that the committee on ways and means be instructed to inquire into the propriety of abolishing the payment of a tax on neat cattle, or reduce the same in proportion to the value of other property, and change the time of giving in the number, from the first day of March to sometime, that the number can be better

ascertained, than on the said first day of March in each and every year, with leave to report by bill or otherwise.

On motion of Mr Lawler: *Resolved*, that the committee on inland navigation be instructed to inquire into the expediency of adopting such measures as will be best calculated to facilitate the improvement of the navigation of the Coosa river, and of connecting the waters of the rivers Alabama and Tennessee, with leave to report by bill or otherwise.

Mr Lawler called up the report of the board of internal improvement, together with the accompanying documents: which were referred to the committee on inland navigation, to consider and report thereon.

On motion of Mr Mardis: *Ordered*, that Mr Lawler be added to the committee on inland navigation.

Mr Williams obtained leave to introduce a bill to be entitled an act to admit students, whose parents or guardians are unable to pay for their board and tuition in the University of Alabama; which was read the first time and ordered to a second reading on to-morrow.

Mr Hogg obtained leave to introduce a bill to be entitled an act to deduct from the salaries of public officers, certain sums for a failure or neglect of duties in their official capacities; which was read the first time and ordered to a second reading on to-morrow.

On motion of Mr Collins: *Resolved*, that the judiciary committee inquire into the expediency of passing a law to require the justices of the peace to hold their counts one day in each month; also, inquire into the expediency of jury trials before justices of the peace, with leave to report by bill or otherwise.

Mr Shortridge offered the following resolution: *Resolved*, that it is expedient to instruct the commissioners on internal improvement, to appropriate a certain portion of the three per cent fund to the erection of necessary bridges in this State, and that the judiciary committee be required to bring in a bill for that purpose, in which they will specify what bridges it may at this time be expedient to erect. Mr Hudson moved that the further consideration of the resolution be postponed till the first Monday in March next.

And then the House adjourned till 10 o'clock to-morrow, A. M.

Friday, Dec. 10, 1830.—The House met pursuant to adjournment.

On motion of Mr Horton: *Ordered*, that Mr Metcalfe have leave of absence until Monday next.

Mr Moore of M. presented the letter of John M. Taylor, late assessor and tax collector of Madison county. Mr Moore moved that said letter, together with so much of the report of the Comptroller, as relates to the accounts of John M. Taylor, with the State of Mississippi, be referred to a select committee: Whereupon messrs Moore of M. Coopwood, Brodnax and Mobley were appointed.

Mr Shortridge presented the petition and account of H. P. Cochran, former sheriff of Tuscaloosa county; which was read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr Coopwood presented the petition of sundry inhabitants of Fayette county, praying the passage of a law to raise a tax for certain purposes therein mentioned, viz: to compensate George Wosley for building the court house in said county; which was read and referred to a select committee, consisting of messrs M'Collum, Coopwood and M'Vay, to consider and report thereon.

Mr Mobley, from the committee on accounts to whom was referred the account of Wildon Ousley, reported that the account is not chargeable

on the State, and ask leave to be discharged from the further consideration thereof; which was granted.

Mr Hudson, from the committee on accounts to whom was referred the account of William A. M'Daniel, jailor of the county of Tuscaloosa, reported that said account is not made out as the law directs, and therefore ought not to be allowed, and ask leave to be discharged from the further consideration thereof; which was granted.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have instructed me to inform you, that they have read three several times and passed a joint resolution and bills of the following titles, to wit: joint resolution to authorize the Secretary of State to procure books and stationary for the use of the departments and General Assembly; an act to exempt garnishees from the payment of cost in certain cases; an act for the relief of sheriffs serving process in the Indian nation; an act to render legitimate Thomas Maxwell, jr. the natural son of Thomas Maxwell; an act to incorporate Cahawba Academy, in the county of Dallas; an act to amend the laws relative to executors, administrators and guardians; an act concerning dower, and an act to define the prison bounds of the several counties of this State; in all of which they respectfully ask the concurrence of your honorable body.

Bills from the Senate of the following titles, to wit: Joint resolution to authorize the Secretary of State to procure books and stationary for the use of the State Departments and the General Assembly; an act for the relief of sheriffs serving process in the Indian nation; an act to exempt garnishees from the payment of costs in certain cases; an act to render legitimate Thomas Maxwell, jr. the natural son of Thomas Maxwell; an act to incorporate Cahawba Academy, in the county of Dallas; an act to amend the law relative to executors, administrators and guardians; an act concerning dower; and an act to define the prison bounds in the several counties in this State; were severally read a first time and ordered to a second reading to-morrow.

Mr Brodnax, from the committee on county boundaries to whom was referred the petition of sundry inhabitants of St Clair county, praying the repeal of an act annexing a part of St Clair to Jefferson county, reported, that in the opinion of the committee, it is inexpedient to make any alteration in the line between the counties above named at this time. Mr Massey moved that the report lie on the table; which was carried.

Mr Clark, from the committee on propositions and grievances to whom was referred the bill from the Senate entitled an act to compensate Levi Robbins for apprehending a horse thief, reported the same with the following amendments, by adding thereto two additional sections; which was adopted: and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith and passed.

Mr Clark moved to amend the title of the bill with the following: "and to compensate John E. Irwin for certain services;" which was adopted. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Lawler, from the committee on roads, bridges, and ferries, to whom was referred the petition of sundry citizens of Shelby county, praying the passage of a law to amend an act therein named, reported a bill to be entitled an act to amend an act to authorize John A. Chapman, Simeon Chapman, Daniel Welch, and their associates, to turnpike a certain road therein named; which was read a first time and ordered to a second reading on to-morrow.

Mr Cook, from the committee on ways and means to whom was referred the bill entitled an act more effectually to secure the collection of the public revenue, reported the same with the following amendments: "Strike out 'one hundred' in the last line but one of the first section, and insert *fifty* in lieu thereof; at the end of

said section insert the following, viz. one half for the person suing for the same, and the other half for the use of the county. In the first line of the second section, before the word 'refusal' insert the words *neglect or* ; and by adding thereto an additional section No. 4 ;" in all of which several amendments the House concurred. The bill was then ordered to be engrossed for a third reading to-morrow.

Mr. Mardis, who voted in the majority on the postponement of Mr. Lea's resolution on yesterday, moved to reconsider the vote ; which was lost.

Mr Harris obtained leave to introduce a bill to be entitled an act for the relief of certain purchasers of the 16th section, in township 2, range 1, east of the basis meridian, in the land district of Huntsville ; which was read a first time and ordered to a second reading on to-morrow.

Mr Harris obtained leave to introduce a bill to be entitled an act to regulate the payment of petit jurors in the county of Baldwin ; which was read a first time and ordered to a second reading on to-morrow.

Mr Oliver moved the adoption of the rule introduced on yesterday ; which was carried.

Mr Harris gave notice, that on to-morrow he should move to rescind the rule No. 46, which provides that the counties be called alphabetically, &c.

On motion of Mr Moore of W. *Resolved*, that the judiciary committee be instructed to inquire into the expediency of passing a law setting apart a certain day of the week, in which the circuit courts in the different counties in this State may be held for the trial of cases on the State docket, in order that the witnesses in such cases may be summoned to attend the said courts on that day ; and that they report by bill or otherwise.

Mr Moore of W. obtained leave to introduce a bill to be entitled an act to amend the several acts concerning assessors and tax-collectors ; which was read a first time and ordered to be read a second time to-morrow.

On motion of Mr Ross : *Resolved*, that the committee on privileges and elections be instructed to inquire into the expediency of passing a law pointing out the manner of determining contested elections of sheriffs and other county officers ; and that they report by bill or otherwise.

On motion of Mr Ross : *Resolved*, that the judiciary committee be instructed to inquire into the expediency of abolishing the county court system, and establishing a court of ordinary ; and that they report by bill or otherwise.

Mr Ross obtained leave to introduce a bill to be entitled an act for the relief of a certain person therein named ; which was read a first time and ordered to be read a second time to-morrow.

On motion of Mr Ross : *Resolved*, that the judiciary committee be instructed to inquire into the expediency of passing a law exempting from execution a certain amount or portion of tools belonging to mechanics ; and that they report by bill or otherwise.

Mr Ross obtained leave to introduce a bill to be entitled an act to raise a fund for the county of Wilcox ; which was read a first time and ordered to be read a second time on to-morrow.

Mr Ross offered the following resolution : *Resolved*, that the committee on inland navigation be instructed to inquire into the expediency of improving the navigation of the Coosa, Tombeckbee, and Tuscaloosa rivers ; and appropriating a part or the whole of the Three Per Cent Fund for that purpose ; and that they report by bill or otherwise.

Mr Clark moved that the resolution lie on the table ; which was carried.

Mr Acklen, from the select committee to whom was referred the bill entitled an act to exempt the Huntsville Guards from working on roads and streets, reported a substitute in lieu thereof ; which was adopted. The bill was then ordered to be engrossed for a third reading to-morrow.

The House then proceeded to the consideration of the orders of the day.

The memorial to the Congress of the United States then being under consideration, Mr Lea moved to amend it by striking out these words, 'illegal, unjust, and' ; which was carried.

Mr Coopwood offered the following amendment : "Your memorialists cannot

close this application to your honorable body for relief, without renewing the request, that all persons that have paid the original price promised on their purchases without the deduction of thirty-seven and a half per cent on the sum paid, may receive the amount so overpaid in scrip, redeemable in any of the land offices in this State. This relief your memorialists believe to be an act of justice, that your honorable body cannot but perceive, and will not refuse to apply the proper remedy.

Mr Coopwood moved to lay the memorial on the table; which was lost. Mr Dillett moved to recommit it to the same committee; which was carried.

The bill from the Senate entitled an act extending relief to Daniel Davis, Meredith Moses, and E. W. Thomas, was read a second time. Mr Coopwood moved that it be referred to the committee on the State Bank; which was lost. Mr Coopwood then moved its reference to the judiciary committee; which was carried.

The engrossed bill entitled an act authorizing the Comptroller of public Accounts to draw a warrant as therein expressed, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill entitled an act altering the punishment for the crime of forgery and counterfeiting, was read a third time. Mr Baker moved that the bill lie on the table; which was carried.

The bill from the Senate entitled an act to authorize the forty-sixth regiment of Alabama militia, to form a company beat with a less number than forty privates, in the county of Dale, was read a second time. Mr Jackson moved to amend it by adding thereto an addition section; which was carried. It was ordered to a third reading to-morrow.

Bills from the Senate of the following titles, to wit: An act to extend the powers of the County Court of Dallas county, in relation to roads, &c. an act for the relief of William Jackson; were severally read a second time and ordered to a third reading to-morrow.

The bill from the Senate entitled an act to authorize Thomas M'Donal to collect toll on a bridge across the Conecuh river, was read a second time. Mr Cook moved that the bill lie on the table; which was carried.

The engrossed bill entitled an act to authorize Henry Brazleton, administrator of the estate of Joel Ledbetter, deceased, to convey a certain tract of land therein named, was read a third time. Mr Clark moved that the bill lie on table; which was carried.

The bill entitled an act to provide for digesting the laws of the State of Alabama, was read a second time. Mr Dillett moved that the bill lie on the table; which was carried.

Mr Clark, who voted in the majority on laying the bill entitled an act to authorize Henry Brazleton, administrator of the estate of Joel Ledbetter, deceased, to convey a certain tract of land therein named, on the table, moved to reconsider the vote; which was carried. The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to provide more effectually for the safe keeping of the public arms, was read the second time. Mr Coopwood moved that it be referred to the military committee; which was carried.

The bill entitled an act to authorize the emancipation of certain slaves therein named, was read a second time. Mr Hudson moved its reference to the committee on proposition and grievances; which was carried.

The bill entitled an act to provide for opening a certain road therein named, was read a second time and ordered to be engrossed for a third reading to-morrow.

The bill entitled an act to exempt churches, church lots and grave yards, from taxation, was read a second time. Mr Lawler moved its reference to the judiciary committee; which was carried.

The bill entitled an act authorizing the administrators of the estate of William Bonnell, deceased, late of Lowndes county, to make titles to certain lands therein named, was read a second time. Mr Baker moved to refer the bill to the judiciary committee; which was carried.

The engrossed bill entitled an act authorizing a jury to be drawn to attend the County Court of Franklin and Morgan counties, was read a third time and passed. Mr Clark offered the following amendment to the title of the bill: amend the title by inserting at the end of the word "court," the letter "s," and by striking out the words "Franklin and Morgan," and inserting the words "certain and for other purposes;" which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

And then the House adjourned to to-morrow morning at 10 o'clock.

Saturday, Dec. 11, 1830.—The House met pursuant to adjournment.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have read three several times and passed bills of the following titles: An act concerning the establishment of public ferries; an act to repeal in part and amend an act to establish La Grange College, approved January 19, 1830; and an act for the relief of the tax-collector of Walker county, for the year 1830; in which they desire the concurrence of your honorable body.

They have concurred in the several amendments made by your honorable body, to the bill which originated in their House, entitled an act to compensate Levi Robbins for apprehending a horse thief.

Bills from the Senate of the following titles, to wit: An act concerning the establishment of public ferries; an act to repeal and amend in part an act entitled an act to establish La Grange College, approved January 19, 1830; and an act for the relief of the tax-collector of Walker county, for the year 1830, were severally read a first time and ordered to be read a second time on Monday next.

Mr Scott moved to suspend the 24th rule, which relates to reports from committees, for the purpose of taking into consideration the resolution reported by the committee on privileges and elections, in the contested election from Monroe county; which was lost, there not being a majority of two thirds voting in favor of the motion. Yeas 41—Nays 26.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Barclay, Brown, Chiles, Clark, Clough, Coker, Collins, Derand, Fank, Gayle, George, Gilbreath, Hall, Herbert, Hickman, Hodges, Hogg, Horton, Jackson, Kilpatrick, King of J. King of M. Langford, Lawler, Mardis, Massey, M'Vay, Moore of W. Murphree, Musgrove, Rather, Riddle, Scott, Shortridge, Stephens, Taylor, Townsend, Walker, Ward and Young.

Those who voted in the negative are, Messrs Acklen, Baker, Boyd, Brodnax, Conner, Cook, Coopwood, Dabose, Dillahunty, Everett, Harris, Hogan, Hudson, King of P. Lane, Lea, McCollum, Moore of M. Oliver, Philpot, Richardson, Roberts, Ross, Rugeley, Sanders and Williams.

Mr Mardis presented the petition of the Judge and commissioners of revenue and roads of Shelby county, in relation to the tax collector of said county; which was read and referred to the committee on propositions and grievances.

Mr Williams presented the petition of sundry inhabitants of Tuscaloosa county, on the subject of opening a road, and establishing a ferry on the Black Warrior; which was read and referred to the committee on roads, bridges and ferries.

Mr Riddle presented the petition of sundry inhabitants of Greene county, praying the passage of a law to establish a certain election precinct

therein named; which was read and referred to the committee on privileges and elections.

Mr Young, from the committee on inland navigation, to whom was referred the petition of sundry inhabitants of Bibb county, praying for permission to Samuel Woodruff, to erect a grist mill, cotton gin and thrasher on Cahawba river, reported a bill to be entitled an act to authorize Samuel Woodruff to erect a mill and other water works on Cahawba river; which was read a first time and ordered to be read a second time on Monday next.

Mr Taylor, from the military committee to which was referred the bill entitled an act to form a certain company beat in Dale county, reported the bill back to the House and recommend the passage of such a law. Mr Ward moved that the bill and report lie on the table; which was carried.

Mr Taylor, from the military committee to whom was referred the account of Thomas Morong of Dallas county, reported a bill to be entitled an act to compensate Thomas Morong for certain services therein mentioned; which was read a first time and ordered to be read a second time on Monday next.

Mr Clark, from the committee on propositions and grievances to whom was re-committed the claims of John Cantley for provisions furnished by him as jailer of Jefferson county, to certain prisoners while confined in the jail of said county, reported a bill to be entitled an act making an appropriation for the payment of J. Cantley, jailor of Jefferson county; which was read a first time and ordered to be read a second time on Monday next.

Mr Hudson, from the committee on propositions and grievances to whom was referred the several claims of Col John Lawler, of Shelby county, for services in transporting public arms from Tuscaloosa to Columbia, in Shelby county; of James Shelton for hauling said arms; and of Wm. Baker for house rent for said arms and keeping them in order, reported that the allowance of said claims or any part of either of them would be improper and unreasonable. Mr Hudson moved that the House concur in said report. The previous question was called for by Mr Hudson. The previous question was then demanded by a majority of the members present; when the said previous question was put, viz: Shall the main question be now put? and passed in the affirmative. The main question was on Mr Hudson's motion to concur, and lost. Yeas 17—Nays 48.

The yeas and nays being desired, those who voted in the affirmative are messrs Brown, Chiles, Clark, Conner, Coopwood, Dubose, Dillahunt, Hall, Hudson, Kilpatrick, Langford, M'Vay, Rather, Riddle, Scott, Walker and Young.

Those who voted in the negative are messrs Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Clough, Cook, Dillett, Durand, Everett, Faulk, George, Gilbreath, Harris, Herbert, Hickman, Hodges Hogan, Hogg, Horton, Jackson, King of J. King of M. King of P. Lane, Lawler, Lea, Mardis, Massey, M'Collum, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpot, Richardson, Roberts, Ross, Rugely, Sanders, Shortridge, Taylor, Townsend, Ward and Williams.

Mr Mardis then moved to recommit the claims to the military committee, with instructions to make a reasonable allowance to the individuals; which was carried.

It being 12 o'clock, Mr Moore of M. moved to suspend the orders of the day; which was carried.

On motion of Mr Young: *Resolved*, that the select committee appointed to investigate the official conduct of the judge of the County Court of Morgan county and the clerk of the same court, be authorized to appoint a messenger to serve notices and subpoenas, and to send for persons and papers, if they shall deem it necessary.

Mr Moore of M. from the select committee to whom was recommitted the memorial to the Congress of the United States in relation to public lands, reported the following amendment: your memorialists cannot close this application to your honorable body for relief without renewing the request, that all persons that have paid the purchase money for lands bought by them and paid for without the deduction of 37 1-2 per cent on the sum paid, may be allowed the amount over paid in scrip, which shall be receivable in any of the land offices in this State; which was adopted. Mr Baker moved to amend the memorial by striking out the words *the poorer class*, to insert *a large portion*; which was carried. Mr Baker moved further to amend the memorial with the following: And your memorialists would further represent, that in this State there are a large number of individuals wholly unable to purchase over forty acres of land at the minimum price, the necessary consequence of which is, that such individuals are settled on the poorest kind of land, which not affording sufficient inducement for any one to purchase, give to them temporary homes. The continuance of this class of individuals in such situation, is in opposition to the future prosperity of the country and must doubtless be contrary to that liberal policy which should influence all governments. Your memorialists would therefore suggest to your honorable body, the policy of granting such individuals the right to enter forty acres of any land once offered for sale and now liable to entry, without any other expense than the office fees; which was adopted. The memorial as amended was then adopted. *Ordered*, that the same be sent to the Senate for their concurrence.

The House resumed the consideration of mr Roberts' amendment to the resolutions in favor of the continuance of the transportation of the mail on Sunday.

Mr Clark called for the previous question, which call was rejected by the House.

Mr Young moved that the resolution be referred to a select committee; which carried. Yeas 42—Nays 25.

The yeas and nays being desired those who voted in the affirmative are mssrs Speaker, Acklen, Barclay, Brodnax, Brown, Chiles, Coker, Conaer, Cook, Dillett, Durand, Everett, Faulk, Gayle, George, Gilbreath, Harris, Herbert, Hickman, Hogg, Hudson, Jackson, King of J. King of M. Massey, M'Vay, Mobley, Moore of M. Moore of W. Philpot, Rather, Riddle, Richardson, Roberts, Sanders, Scott, Stevens, Taylor, Townsend, Ward, Williams and Young.

Those who voted in the negative are messrs Baker, Boyd, Clark, Clough, Coopwood, Dubose, Dillahunt, Hall, Hodges, Hogan, Horton, Kilpatrick, King of P. Langford, Lawler, Lea, Mardis, M'Collum, Murphree, Musgrove, Oliver, Ross, Rugeley, Shortridge and Walker.

So the resolution was referred to a select committee consisting of messrs Young, Shortridge and Richardson, to consider and report thereon.

On motion of mr Mardis: *Ordered*, that mr Lea have leave of absence until Monday next.

Mr Baker called up the bill from the Senate entitled an act more effectually to secure trials in capital cases by impartial jurors; it was then placed among the orders of the day.

Mr Young called up the bill entitled an act to organize a separate Supreme Court; it was then placed among the orders of the day.

Mr Taylor called up the report on the subject of selling the public ferries at the town of Cahawba; it was then placed among the orders of the day.

Mr Coopwood called up the bill entitled an act to set apart the nett pro-

ceeds of the University fund for the establishment of preparatory schools in each county in this State, and to provide for an increase of the funds hereby appropriated to that object; it was then placed among the orders of the day.

Mr Shortridge called up the bill entitled an act to abolish imprisonment for debt; it was then placed among the orders of the day.

Mr Mardis asked leave to be discharged from the committee appointed to investigate the conduct of Peters and Houston; which was granted.

Mr Harris moved to rescind the rule number 46: which was carried.

Mr Roberts called up the bill from the Senate, entitled an act requiring the Governor to reside at the seat of Government; it was then referred to a select committee, consisting of messrs Roberts, Dillett and Lane.

Mr Coopwood called up the bill from the Senate, entitled an act to authorize the register of the land office at Courtland, to correct mistakes in the prices of lands; it was then placed among the orders of the day.

Mr Shortridge called up the bill from the Senate, entitled an act providing for the completion of the State Capitol; it was then placed among the orders of the day.

On motion of mr Brodnax: *Resolved*, that the committee on privileges and elections be instructed to inquire into the expediency of passing an act requiring the trial of contested elections of members of the Legislature, in their respective counties, with leave to report by bill or otherwise.

Mr Dillett presented the account of William R. Travis; which was read and referred to the committee on accounts.

Mr Hickman moved to add a member to the military committee; which was lost.

Mr Clark offered the following: I shall move on Monday next, to alter the 42nd rule of the House, by striking out the figures "10," in the first line, and inserting the figure "9" in lieu thereof, and by striking out the word "two" at the end of the second line, and inserting the word "one" in lieu thereof; which lies over one day.

Mr Coopwood offered the following resolution: *Resolved*, that the committee on roads, bridges and ferries be instructed to inquire into the expediency of establishing a State road from Huntsville, by way of Courtland, Moulton and Tuscaloosa, to the city of Mobile; and also, of constructing a road from Tuscaloosa to Montgomery, and thence on the federal road to the Georgia line; and should the said committee deem it proper to establish said roads, or either of them, to report a bill requiring the board of internal improvement to cause surveys to be made without delay, and to appropriate a sum from the three per cent fund, for the purpose of constructing said roads, so that they shall be at all times in order for the transportation of the mail stages. Mr Coopwood moved to postpone the further consideration of the resolution until Monday next; which was carried.

The House then proceeded to the consideration of the orders of the day.

The engrossed bill entitled an act to authorize the administrators of the estate of John Barron, deceased, to sell a certain negro man slave named Primus, which belonged to the estate of said deceased, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act amendatory of the laws concerning dower, was read a second time and laid on the table.

The bill entitled an act to attach part of Wilcox county to the county of Clarke, was read a second time and referred to a select committee, consisting of messrs Mobley, Ross, Conner and Moore of W.

Bills of the following titles, to wit: An act to amend the several acts in relation to the compensation of the petit jurors in the counties of Henry and Dale; and an act to amend an act entitled an act to incorporate the town of Bellefonte, in the county of Jackson, were severally read a second time and ordered to be engrossed for a third reading on Monday next.

The bill entitled an act to provide a summary mode for the trial of breaches of the peace, was read a second time. Mr Shortridge moved that the bill be referred to the judiciary committee; a division of the question being called for, the vote was first taken on referring the bill, and carried; the vote was then taken on the reference to the judiciary committee, and carried.

The bill entitled an act to secure to citizens the right of being sued in the beat of his or her residence in civil cases, under the jurisdiction of justices of the peace, was read a second time. Mr Cook moved that it lie on the table; which was carried.

The bill from the Senate entitled an act to repeal in part an act therein mentioned, was read a second time. Mr Brodnax moved to refer the bill to the judiciary committee; which was carried.

The bill from the Senate entitled an act to amend the fourth section of an act entitled an act to revive in part a certain act therein specified, was read a second time. Mr Cook moved to refer the bill to the judiciary committee; which was carried.

The bill from the Senate entitled an act to repeal in part and amend an act entitled an act establishing schools in the county of Mobile, was read a second time. Mr Everett moved that the bill be referred to a select committee; which was carried: Whereupon, messrs Everett, Durand and Roberts were appointed said committee.

The bill from the Senate entitled an act for the relief of certain occupants of lands in the counties of Morgan and Madison, was read a second time. Mr Everett moved that the bill be referred to the committee on lands appropriated for internal improvement; which was carried.

The bill from the Senate entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State, was read a second time. Mr Mardis moved that the bill lie on the table; which was carried.

And then the House adjourned until Monday morning at 10 o'clock.

Monday, Dec. 13, 1830.—The House met pursuant to adjournment.

Mr Rather presented the account of the sheriff of Morgan county; which was read and referred to the committee on accounts.

Mr Riddle presented the petition of sundry inhabitants of township No. 20, in range No. 2, east, in the district of the land office at St. Stephens, praying the passage of a law to authorize the sale of the 16th section in said township; which was read and referred to the committee on education.

Mr Coopwood moved to suspend the 24th rule of the House; which was carried.

Mr Coopwood then offered the following resolution: *Resolved*, that the select committee appointed to investigate the official conduct of the judge and clerk of the County Court of Morgan in relation to the charges preferred against them by the memorial of Asa Hodges, be invested with power to take the deposition of female witnesses for and against said parties, under such regulations and restrictions as said committee may prescribe; which was adopted.

A message from the Senate by mr Gayle: Mr Speaker—The Senate have read three several times and passed a bill which originated in the

House of Representative, entitled an act to compensate Jack Shackelford, receiver of public moneys at the land office at Courtland, for certain services therein named, and have amended the same as herewith shown, in which they desire the concurrence of your honorable body. They have also read three several times and passed a joint memorial and bill, which originated in the House, entitled joint memorial asking a donation of lands to connect the waters of the Tennessee with those of the Coosa river by means of a canal; and an act giving to the County Courts jurisdiction of offences committed by slaves; in which they desire the concurrence of your honorable body.

Ordered, that the House concur in the several amendments made by the Senate to the bill entitled an act to compensate Jack Shackelford, receiver of public moneys at the land office at Courtland, for certain services therein named.

On motion of mr Young: *Ordered*, that mr Durand be added to the committee on inland navigation.

On motion of mr Hudson: *Ordered*, that mr M'Collum be added to the committee on county boundaries.

Joint memorial and bill from the Senate of the following titles, to wit: Joint memorial asking a donation of lands to connect the waters of the Tennessee with those of the Coosa river, by means of a canal; an act giving to the County Courts jurisdiction of offences committed by slaves; were severally read a first time and ordered to be read a second time to morrow.

A message was received from the Senate by mr Lyon: Mr Speaker—The Senate concur in the resolution heretofore adopted by the House of Representatives proposing, that with the concurrence of the Senate the two Houses of the General Assembly will on Monday the 13th instant, at 11 o'clock A. M. assemble in the Representative Hall, for the purpose of going into the election of a Senator to the Congress of the United States for the term of six years from and after the fourth day of March next.

On motion of mr Coopwood: *Resolved*, that the Senate be forthwith informed that this House is now ready to receive them for the purpose of going into the election of a Senator to the Congress of the United States for six years from the fourth day of March next. The Senate having repaired to the Hall of the House of Representatives, and taken their seats, the two Houses proceeded to the election of a Senator to the Congress of the United States from and after the 4th day of March next. John M'Kinley and Gabriel Moore, being in nomination. For mr Moore 49; mr M'Kinley 40; mr Shackelford 1; mr M'Clung 1; mr Fearn 1.

Those who voted for mr Moore are, mr President, Abercrombie, Anderson, Crawford, Dugay, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Morton, Perry, Pickett, Smith.—Reps. Baker, Boyd, Brodax, Clough, Coker, Cook, Coopwood, Dubose, Dillahunty, Faulk, Hall, Herbert, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of P. Lea, Massey, Mobley, Moore of W. Murfree, Musgrove, Oliver, Richardson, Ross, Rugeley, Townsend, Ward, Williams and Young.

Those who voted for mr M'Kinley are messrs Bridges, Conner, Edmondson, Merriwether, Powell, Vining, Walthall.—Reps. mr Speaker, Acklen, Barclay, Brown, Chiles, Clark, Collins, Conner, Cunningham, Dillett, Durand, Everett, Gayle, George, Glibreath, Hickman, King of J. King of M. Lane, Lawler, M'Collum, M'Vay, Moore of M. Philnot, Price, Rather, Riddle, Roberts, Sanders, Scott, Shortridge, Stevens, Walker.

Mr Harris voted for mr M'Clung; mr Mardis voted for mr Shackelford; mr Taylor voted for Thomas Fearn.

Gabriel Moore having received a majority of the whole number of votes was declared by mr Speaker to be duly elected a Senator to the Congress of the United States for the period of six years from and after the fourth day of March next. The election being completed, the Senate withdrew.

Mr Mobley presented the petition of William Walker, praying the eman-

cipation of certain slaves therein named; which was read and referred to a select committee consisting of messrs Mobley, Harris and Dillett.

Mr Shortridge presented the account of William A. M'Daniel, jailor of Tuscaloosa county; which was read and referred to the committee on propositions and grievances to consider and report thereon.

Mr Cook, from the committee on ways and means to whom was referred the communication of the comptroller of public accounts, in relation to the receipts and disbursements of the fund provided for the payment of the owners of slaves executed in pursuance of law, reported a bill to be entitled an act to amend an act entitled an act to provide for the payment of slaves executed in pursuance of law, approved 24th December 1824; which was read a first time and ordered to be read a second time to-morrow.

Mr Young, from the committee on inland navigation to whom was referred the petition of Thomas A. Heard, of Walker county, reported that there is now before this House an engrossed bill from the Senate embracing the object of said petition, and therefore ask leave to be discharged from the further consideration of the subject; which was granted.

Mr Young, from the committee on inland navigation, to whom was referred the bill entitled an act to authorize John L. Pearson, of St Clair county, to erect a mill and other water works in said county, reported the same with sundry amendments; which were concurred in by the House, and the bill ordered to be engrossed for a third reading to-morrow.

The same committee, to which was referred the petition of sundry inhabitants of Lawrence county, reported a bill to be entitled an act to authorize David Wallis and Amos Jarman, of Lawrence county, to erect a mill on the Tennessee river; which was read a first time and ordered to be read a second time to-morrow.

Mr Taylor, from the military committee to whom was referred the several petitions of the officers and privates of the 11th regiment of the militia of this State, reported a bill to be entitled an act for the relief of the officers and privates of the 11th regiment of militia of this State; which was read a first time and ordered to be read a second time to-morrow.

Mr Brodnax, from the committee on county boundaries to whom was referred a resolution instructing them to inquire into the expediency of passing an act requiring the county surveyors of the counties of Jefferson and St Clair, to make an accurate survey of the county of St Clair, reported that it is inexpedient to make such survey, and ask leave to be discharged from the further consideration of the same; which was granted.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to compensate Levi Robbins and to compensate John E. Irwin, for certain services, which originated in the Senate.

Mr Roberts, from the select committee to which was referred the bill from the Senate entitled an act requiring the Governor to reside at the seat of government, reported the same without amendment. Mr Gayle moved to refer the bill to the committee on ways and means; which was carried.

Mr M'Collum, from the select committee to whom was referred the petition of George Worley, of Lawrence county, praying the passage of a law taxing the citizens of Fayette county for his benefit, reported that said petition is unreasonable, and ought not to be granted. Mr Coopwood moved that the petition be recommitted to the same committee; which was carried.

Mr Everett, from the delegation from Mobile and Baldwin counties, to whom was referred the petition of the Branch pilots of the outer bar of

Mobile bay, reported a bill to be entitled an act to regulate the rate of pilotage over the outer bar and Dog river bar in Mobile bay; which was read a first time and ordered to be read a second time to-morrow.

The House resumed the consideration of Mr Shortridge's resolution, in relation to the three per cent fund. Mr Coopwood moved that it lie on the table; which was carried.

Mr King of J. obtained leave to introduce a bill to be entitled an act to incorporate the trustees of Jefferson Academy, at Elyton; which was read a first time and ordered to be read a second time to-morrow.

On motion of Mr Musgrove: *Resolved*, that the military committee be instructed to inquire into the expediency of passing some law assessing a fine on all officers who may be detailed on any court martial for non attendance at the same: *Provided*, all reasonable excuses shall be heard; and also, designating the time when the President of any courts martial shall issue his certificate to the proper officer for collection, imposing a reasonable fine on him for non-performance of such duty, to be assessed by a court martial detailed for that purpose, with leave to report by bill or otherwise.

Mr Rugely obtained leave to introduce a bill to be entitled an act making it the duty of the proper officer of those counties in which any business is pending, which properly belongs to the county of Lowndes, be transferred to the same; which was read a first time and ordered to be read a second time to-morrow.

Mr Dillahunt obtained leave to introduce a memorial of the General Assembly of the State of Alabama, to the Congress of the United States; which was read. Mr Baker moved that it be referred to a select committee; which was carried: Whereupon, messrs Dillahunt, Baker and Moore of M. were appointed said committee.

It being 12 o'clock, Mr Coopwood moved to suspend the orders of the day; which was lost.

The House then proceeded to the orders of the day.

The bill entitled an act divorcing certain persons therein named, was read a second time. Mr Coopwood moved to postpone the further consideration of the bill until Monday next; which was carried.

Mr Taylor moved to suspend the orders of the day; which was carried.

Mr Taylor moved that the House resume the consideration of the resolution reported by the committee on privileges and elections, in the contested election from Monroe county. Mr Coopwood moved it be postponed and made the special order of the day on to-morrow at 10 o'clock; which was carried.

Mr Conner moved to suspend the orders of the day; which was lost.

The engrossed bill entitled an act to authorize Jesse During and Philip Brothers, to turnpike a road therein mentioned, was read a third time.—Mr M'Vay moved to amend it by way of the following engrossed rider: *Provided*, nothing in this act contained, shall be so construed as to authorize the charging Indians toll, but they shall be permitted to pass through said gates free of expense, with or without a horse beast. Mr Baker moved that the bill lie on the table; which was carried.

The engrossed bill entitled an act to authorize John H. Garrett to open a certain road therein named, and to keep a ferry on the Coosa river, was read a third time. Mr Baker moved to lay the bill on the table; which was carried.

The bill entitled an act to amend the laws in relation to depositions, was read a second time. Mr Coopwood moved to lay the bill on the ta-

ble; which was lost. Mr Moore of M. moved to amend it by striking out the words "one hundred," to insert the word "fifty". A division of the question being called for, the vote was first taken on striking out, and carried. Mr Coopwood moved to fill the blank with "one hundred and fifty;" which was lost. Mr Gayle moved to fill the blank with the word "eighty;" which was carried. Mr Young moved to refer it to the judiciary committee; which was carried.

The bill entitled an act supplementary to an act, entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, approved 20th January, 1830, was read a second time. Mr Gayle moved to lay it on the table; which was carried.

The bill entitled an act making appropriations for certain claims against the State, was read a second time and committed to the committee on accounts.

The joint resolution from the Senate providing for the distribution of the laws of the United States, was read a second time and ordered to a third reading to-morrow.

The bill from the Senate entitled an act making further regulations for selling the University lands, was read a second time. Mr Hudson moved to refer it, with accompanying documents, to a select committee. A division of the question being called for, the vote was first taken on referring it, and carried. The vote was then taken on the select committee, and carried: Whereupon messrs Hudson, Gayle, Riddle, Chiles, Horton, Lea and King of P. were appointed.

Mr Mobley moved to suspend the orders of the day; which was carried.

Mr Clark's amendment to the rule number 42, being under consideration, Mr Moore of M. called for a division of the question, to strike out "10," to insert "9," to strike out "two," to insert "one;" and the vote was first taken on striking out "10," and carried; the vote was then taken on striking out the word "two," and carried. Mr Taylor moved to insert the word "three."

Mr Mobley moved that the House adjourn until to-morrow morning 9 o'clock; which was lost. Yeas 21—Nays 46.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen, Baker, Clough, Coker, Collins, Conner, George, Harris, Herbert, Hickman, Hodges, Hogg, King of M. Lane, mardis, Massey, Mobley, Moore of M. Sanders, Walker and Young.

Those who voted in the negative are messrs Speaker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Cook, Coopwood, Cunningham, Dillett, Durand, Faulk, Gayle, Gilbreath, Hall, Hogan Horton, Hudson, Jackson, Kilpatrick, King of J. King of P. Lawler, Lea, McCollum, McVay, Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Roberts, Ross, Rugely, Scott, Shortridge, Stephens, Taylor, Townsend, Ward and Williams.

Mr Baker moved to lay Mr Clark's amendment on the table; was lost.

Mr Baker moved that the House adjourn until to-morrow morning at 9 o'clock; which was lost.

Mr Baker moved to postpone the consideration of the amendment until to-morrow at 10 o'clock; which was lost.

Mr Mobley moved that the House adjourn until to-morrow 9 o'clock. Mr Speaker decided that it was in order to adjourn to 9 o'clock to-morrow morning, from which decision Mr Conner appealed.

Those who voted in favor of sustaining the chair were, messrs Baker, Boyd, Brown, Clark, Coker, Dillahunty, Faulk, George, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Hudson, Jackson, Kilpatrick, Lane, Lawler, Massey, Moore of M. Moore of W. Murphree, Musgrove, Price, Riddle, Richardson, Roberts, Rugely, Taylor, Townsend and Walker.

Those who voted against sustaining mr Speaker are, messrs Acklen, Barclay, Chiles, Clough, Collins, Conner, Cook, Coopwood, Cunningham, Dillitt, Durand, Gayle, Gilbreath, Hall, Horton, King of J. King of M. King of P. Lea, Mardis, McCollum, McVay, Oliver, Philpot, Rather, Ross, Sanders, Scott, Shortridge, Stephens, Ward, Williams and Young.

So the decision of mr Speaker was overruled.

Mr Acklen moved that the House adjourn until to-morrow morning at 10 o'clock; which was lost. Yeas 17—Nays 52.

The yeas and nays being desired those who voted in the affirmative are, messrs Acklen, Chiles, Collins, Conner, Cook, Durand, Faulk, George, Hall, King of M. King of P. Lane, Massey, Rather, Riddle, Scott and Young.

Those who voted in the negative are, messrs Speaker, Baker, Barclay, Boyd, Brodnax, Brown, Clark, Clough, Coker, Coopwood, Cunningham, Dillahunty, Dillitt, Gayle, Gilbreath, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. Lawler, Lea, Mardis, McCollum, McVay, Mobley, Moore of M. Moore of W. Musgrove, Oliver, Philpot, Price, Richardson, Roberts, Ross, Rugely, Sanders, Shortridge, Stephens, Taylor, Townsend, Walker, Ward and Williams.

The question recurred on mr Taylor's motion, to insert the word 'three,' and lost. Yeas 6—Nays 59.

The yeas and nays being desired those who voted in the affirmative are, messrs Dillitt, Harris, Lea, Moore of M. Taylor and Walker.

Those who voted in the negative are messrs Speaker, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Coker, Collins, Conner, Cook, Coopwood, Cunningham, Dillahunty, Durand, Faulk, Gayle, George, Gilbreath, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Lawler, Mardis, Massey, McCollum, McVay, Mobley, Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Roberts, Ross, Rugely, Sanders, Scott, Shortridge, Stephens, Townsend, Ward, Williams and Young.

Mr Clark moved to insert the word 'one,' in lieu of the word 'two,' so that it will read one o'clock instead of two o'clock; which was carried.—Yeas 58—Nays 9.

The yeas and nays being desired those who voted in the affirmative are, messrs Speaker, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Coker, Collins, Conner, Cook, Coopwood, Cunningham, Dillahunty, Durand, Faulk, Gayle, George, Gilbreath, Hall, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Lawler, Mardis, Massey, Mobley, Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Roberts, Ross, Rugely, Sanders, Scott, Shortridge, Stevens, Taylor, Townsend, Ward and Williams.

Those who voted in the negative are messrs Acklen, Dillitt, Harris, Lea, McCollum, McVay, Moore of M. Walker and Young.

Mr Gayle offered the following: Nothing in the rules of this House shall be construed to prevent a majority from adjourning at any time; which lies over one day.

Mr Mardis, who voted in the majority in the appeal taken by mr Conner from the decision given by mr Speaker, moved to reconsider the vote; which was carried. Mr Roberts moved a call of the House; which was lost. Yeas 13—Nays 49.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Barclay, Chiles, Coker, Durand, Herbert, Hogan, Hogg, Roberts, Ross, Rugely, Townsend, Walker and Williams.

Those who voted in the negative are messrs Speaker, Acklen, Baker, Boyd, Brodnax, Brown, Clark, Collins, Conner, Cook, Cunningham, Dillitt, Faulk, Gayle, George, Gilbreath, Hall, Harris, Hickman, Hodges, Horton, Hudson, Jackson, King of J. King of P. Lane, Lawler, Lea, Mardis, Massey, McCollum, McVay, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Sanders, Scott, Shortridge, Stephens and Ward.

Mr Conner asked leave to withdraw the motion for an appeal from the decision of the chair, which was granted.

And then the House adjourned until to-morrow morning at 9 o'clock.

Tuesday, Dec. 14, 1830.—The House met pursuant to adjournment.

On motion of Mr Herbert: *Ordered*, that Mr Taylor have leave of absence for the day, in consequence of indisposition.

Mr Cook presented the petition of John A. Cunningham, late jailor of Butler county; which was read and referred to the committee on accounts to consider and report thereon.

On motion of Mr Horton: *Ordered*, that messrs Dubose and Clough have leave of absence for the day.

Mr Brodnax, from the committee on county boundaries, to whom was referred a resolution instructing them to inquire whether the county of St Clair has not been reduced below her constitutional limits, by annexing a part of the same to Jefferson county, reported that by an act of 1823, the county of St Clair was reduced below her constitutional limits by annexing the same to Jefferson county, as appears from a map of the State; your committee further state, that they are of opinion that the county of St Clair was restored to her constitutional limits by an act approved 29th of January, 1829, annexing a part of the Creek nation to said county.—Mr Massey moved to lay the report on the table; which was carried.

Mr Hudson, from the select committee to which was referred the bill from the Senate entitled an act making further regulations for selling the University lands, reported that in their opinion, the interest of the University, the best policy of the State in relation to it, and justice to the individuals concerned, require the passage of the bill. Mr Clark moved to refer the bill to the committee on education; which was lost. Mr Clark then moved to lay the bill on the table, and to print seventy-five copies for the use of the House; which was lost. Yeas 27—Nays 33.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Acklen, Boyd, Brown, Clark, Collins, Durand, Everett, Hall, Harris, Hogg, Kilpatrick, King of J. King of M. Lawler, Mardis, Massey, Mobley, Moore of M. Moore of W. Murphree, Oliver, Philpot, Scott, Shortridge, Williams and Young.

Those who voted in the negative are messrs Baker, Barclay, Brodnax, Chiles, Coker, Conner, Cook, Coopwood, Cunningham, Dillahonty, Dillett, Faulk, Gayle, Gilbreath, Herbert, Hickman, Hodges, Hogan, Horton, Hudson, Jackson, King of P. Lane, Lea, M'Vay, Musgrove, Price, Rather, Riddle, Richardson, Roberts, Ross, Rageley, Sanders, Stephens, Townsend, Walker and Ward.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to compensate Jack Shackleford, receiver of public moneys at the land office at Courtland, for certain services therein named, which originated in this House.

Mr Clark moved that the House proceed to the consideration of the orders of the day; which was carried.

The House then resumed the consideration of the resolution reported by the committee on privileges and elections in the contested election from the county of Monroe. Mr Baker offered the following amendment, "and that the ten votes received at the Cane creek precinct by James Dillett, were correctly counted to him."

The previous question was called for by Mr Horton. The previous question was then demanded by a majority of the members present; when the said previous question was put, viz: Shall the main question be now put? and passed in the affirmative.

And then the House adjourned until to-morrow morning at 9 o'clock.

Wednesday, Dec. 15, 1830.—The House met pursuant to adjournment.

On motion of mr Brown, *Ordered*, that mr Collins have leave of absence for the day.

Mr Everett presented the petition of sundry citizens of the city of Mobile, praying the passage of a law to establish a Branch Bank of the Bank of the State of Alabama, in said city; which was read and referred to the committee on the State Bank.

Mr Jackson presented the petition of sundry citizens of Pike county, praying the passage of a law to divorce Obadiah Edge from Martha Edge; which was read and referred to the committee on divorce and alimony.

Mr Everett presented the accounts and claims of Jonas Brown; which were severally read and referred to the committee on propositions and grievances to consider and report thereon.

Mr Dillahunt, from the select committee to whom was referred a memorial to the Congress of the United States, praying relief for the purchasers of public lands in this State who have paid the whole price of their land by relinquishment of other lands or by money at the legal discount of thirty-seven and one half per cent, reported sundry amendments; which were concurred in, and the memorial adopted. *Ordered*, that the clerk convey the same to the Senate for their concurrence.

A message from the Senate by mr Gayle: mr Speaker—The Senate have read three several times and passed a bill entitled an act to extend the limits of Monroe and Clarke, in which they desire the concurrence of your honorable body.

The bill from the Senate entitled an act to extend the limits of Monroe county and define the line between the counties of Monroe and Clarke, was read a first time and ordered to be read a second time on to-morrow.

A communication was received from the Governor by James I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT, Dec. 13, 1830.

The Hon. the Speaker and members of the House of Representatives,

Gentlemen: I herewith transmit you letters received by the commissioners under the acts passed for the purpose of increasing the capital of the Bank of the State of Alabama from the purchasers of the State stock, requesting the appointment of an agent to be resident in New-York for the purpose of rendering facilities in the transfer of the stock. It is believed by the commissioners that such an appointment would be attended with inconsiderable expense and promote the interest of the State; and therefore submit to your consideration the propriety of passing a law authorizing the commissioners to constitute the agency solicited.

I also lay before your honorable body resolutions adopted by the General Assembly of the State of Mississippi, asserting the right of the State to all the public domain within her chartered limits.

At the request of the publisher I herewith transmit you his address, soliciting public patronage to a work styled the debates in convention upon the adoption of the Federal Constitution. As also a letter from the Trustees of the Rhode Island Historical Society, proposing a union in views and operations in procuring authentic documents relative to the early history of our country.

These topics having received the favorable consideration of other deliberative assemblies, I have thought proper in compliance with the request of those by whom they have been forwarded, to lay them before your honorable body, that you may judge of their merit.

I have received the resignation of the Hon. Roddy Smith, judge of the county court of Fayette county. I have the honor to be, most respectfully, your obedient servant,

GABRIEL MOORE.

Mr Gayle moved that the communication lie on the table; which was carried.

Mr Taylor presented a communication from J. G. Carroll, adjutant and inspector general Alabama militia; which is as follows:

ADJUTANT GENERAL'S OFFICE.

Hon. James Penn, speaker of the House of Representatives, and members of the same.

SIR:—In submitting this return, the undersigned has to deplore the inexcusable and culpable apathy which prevails among the returning officers, causing the return of the Adjutant General to be vastly deficient, as will be perceived by reference thereto; without advertent to the confusion which would prevail, in the event of a war, arising from an utter ignorance of the actual strength and condition of the militia. The loss of arms annually to the State, is a consideration sufficiently important, in the opinion of the undersigned, to call from the Legislature, some interposition by which punctuality in the returning officers may be procured, and the rights of the State be thereby secured. For this purpose the undersigned intends submitting a plan to his Excellency, the proper constitutional organ, which he trusts will not only meet with his approbation, but upon his recommendation will receive the sanction of the Legislature also. Very respectfully, your obedient servant,

J. G. CARROLL, Adj. and Inspt. Gen. A. M.

Which communication was read and referred to the committee on the military to consider and report thereon.

Mr Stephens, from the select committee to whom was referred the petition of A. Vansant, reported a bill to be entitled an act for the relief of A. Vansant; which was read the first time and ordered to a second reading to-morrow.

Mr Durand obtained leave to introduce a proposition of the State of Alabama, to the general government, in relation to the nett proceeds of the five per cent of the public lands in this State; which was read the first time and ordered to a second-reading on to morrow.

Mr Moore of M. called up the bill entitled an act to alter and change the time of holding the County Courts of Pickens county; which was ordered to be placed among the orders of the day.

On motion of mr Ward: *Resolved*, that the committee on privileges and elections be instructed to inquire into the expediency of prohibiting illegal votes, by providing more adequate penalties on managers and persons voting who have not the right to do so, with leave to report by bill or otherwise.

Mr Conner called up the bill entitled an act to compensate the commissioners of roads and revenue of the counties of Greene, Lauderdale, Perry, Lawrence and Dallas, for their services.

Mr Conner then moved to amend the bill by way of engrossed ryder, inserting the word "Marengo" after the word Lawrence, in the first section; which was carried. The bill then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr. Hudson offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency and propriety of passing a law requiring plaintiffs to give security for costs before they can bring suit; and also require defendants to give security for their appearance at court when the writ is served; with leave to report by bill or otherwise. Mr George moved to lay the resolution on the table; which was carried.

On motion of mr Gayle: *Resolved*, that Seth Evans have leave to withdraw the documents he laid before the House at a former session, in relation to the arrest of — Gant, in the city of New-Orleans. act

Mr Murphree obtained leave to introduce a bill to be entitled license; to amend the laws now in force in relation to granting — to-morrow. which was read and ordered to a second reading

On motion of mr Oliver: *Resolved*, that the committee on ways and

means be required to report to this House the expediency of reducing the salaries of the several officers of the State; to point out, in what cases such reductions should take place, or propose means by which the current expenses of the Government may be met, without additional taxes upon the people.

Mr Jackson obtained leave to introduce a bill to be entitled an act to authorize Randle Jackson, guardian of Randle Beasley, to sell a certain slave therein named; which was read and ordered to a second reading to-morrow.

Mr Baker called up the communication of the Governor, of to-day.

Mr Baker then offered the following resolution: *Resolved*, that so much of His Excellency's Message as refers to the establishment of an agency of the State Bank in the city of New-York, be referred to the committee on the State Bank.

On motion of Mr Baker: *Resolved*, that so much of His Excellency's Message as relates to the communication from the State of Mississippi in relation to the public lands, be referred to a select committee; whereupon messrs Baker, Durand and Shortridge were appointed.

On motion of Mr Baker: *Resolved*, that so much of his Excellency's message as relates to the address of the publisher proposing the publication of the debates upon the adoption of the Federal Constitution, and also the letter from the trustees of Rhode Island Historical Society, be referred to the committee on education.

On motion of Mr Coopwood: *Resolved*, that Erasmus Walker, editor of the Tuscaloosa Inquirer, be permitted to take a seat within the bar of this House, for the purpose of taking notes of its proceedings for the information of his patrons.

On motion of Mr Musgrove: *Resolved*, that the committee on education be instructed to inquire into the expediency of authorizing or making it the duty of the school commissioners in each township in this State to ascertain by the first of October 1831, the number of all the young men who reside in their several townships, that are under the age of twenty-one years, and over fourteen, and who are of a promising genius, and who have advanced in common literature to spelling, reading, writing and arithmetic, so far as to be able to enter as students in the University of the State of Alabama, and make return of the same to the judge of the County Court of their proper counties, whose duties it shall be to forward a list of the same, to the board of trustees for the University of the State of Alabama, and out of that number the said trustees to proceed to elect such number as they may deem proper, not exceeding three from each township for each term, who shall be educated in the University of the State free of expenses, both in regard to tuition and board, out of the University fund for the term of two years and no longer, provided that the parents or guardians of said young men are not able to pay the above expenses; with leave to report by bill or otherwise.

Mr Lea obtained leave to introduce a bill to be entitled an act to reduce the pay of certain public officers therein mentioned and for other purposes; which was read a first time. Mr Clark moved that the bill be indefinitely postponed. Mr Clark asked leave to withdraw his motion; which was disagreed to. The question recurred on Mr Clark's motion to postpone the bill, and lost. Yeas 18—Nays 51.

The yeas bill, and lost. Yeas 18—Nays 51.
Speaker, Barclay, &c., being desired, those who voted in the affirmative are, messrs Bose, Horton, Hudson, Mobley, Prodnax, Chiles, Clark, Coker, Cook, Cunningham, Du-

Those who voted in the negative are, messrs Acklen, Baker, Brown, Clough,

Conner, Coopwood, Dillahunt, Dillett, Durand, Everett, Faulk, Gayle, Gilb. Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, M'Collum, McVay, Moore of M. Murphree, Musgrove, Oliver, Philpott, Rather, Richardson, Roberts, Ross, Rugeley, Sanders, Scott, Shortridge, Stephens, Townsend, Walker, Ward and Williams.

Mr Hickman moved that the bill lie on the table; which was lost. It was then ordered to a second reading to-morrow.

Mr Hogan introduced a bill to be entitled an act for the relief of the holders of lots purchased at the first sale of lots in the town of Cahawba; which was read and ordered to a second reading to-morrow.

On motion of mr Baker: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of appropriating the amount of the Seat of Government fund to the defraying the expenses of the succeeding year, and reducing the taxes accordingly; and that they report by bill or otherwise.

Mr Coker introduced a bill to be entitled an act more effectually to secure the compensation allowed by law to the jurors of Monroe county; which was read and ordered to a second reading to-morrow.

On motion of mr Mardis: *Resolved*, that the agent of the board of trustees of the University of Alabama be requested to lay before this House, all the information in his possession in relation to the amount of debts due the University of Alabama, for lands sold at seventeen dollars and upwards, also the amount due for lots sold in Montevallo, particularly noting the amount of insolvencies.

Mr Roberts called up the report of the Comptroller, in relation to the Seat of Government fund; it was then referred to the committee on ways and means to consider and report thereon.

On motion of mr Mardis: *Resolved*, that the State temperance society, be allowed the use of the Representative Hall, on Friday night next, to hold their annual meeting.

Mr M'Collum introduced a bill to be entitled an act to incorporate the town of Fayetteville; which was read and ordered to a second reading to-morrow.

Mr Clark offered the following amendment to the 23d rule, to come in after the word "House" in the first line, as follows: sustained by one-third of the members present; which lies over one day.

Mr Rather moved that the House proceed to the consideration of the orders of the day; which was carried.

Mr Everett, who voted in the majority on mr Horton's call for the previous question on yesterday, moved to reconsider the vote; which was carried.

The question was then put on mr Horton's motion, and lost.

The House then resumed the consideration of the resolution reported by the committee on privileges and elections in the case of the contested election from the county of Monroe.

Mr Speaker stated that members might reply to any remarks made by any member at a previous day which were party and political; from which statement and decision mr Clark appealed.

The yeas and nays being desired, those who voted in favor of sustaining the decision of mr Speaker are, messrs Acklen, Barclay, Boyd, Brodnax, Chiles, Clough, Coker, Conner, Cunningham, Dillahunt, Durand, Everett, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Jackson, Kilpatrick, King of J. King of M. Lane, Langford, Lea, Mardis, Massey, M'Collum, M'Vay, Moore of M. Moore of W. Murphree, Oliver, Philpot, Rather, Riddle, Richardson,

Roberts, Ross, Rugeley, Sanders, Scott, Shortridge, Stephens, Taylor, Townsend, Walker, Ward and Williams.

Those who voted against it are, messrs Brown, Clark, Cook, Coopwood, Dubose, Faulk, Horton, Hudson, King of P. Musgrove, Price and Young.

So, the decision of mr Speaker was sustained by the House.

The previous question was called for by mr Clark, and the question was on mr Clark's call, and carried. Yeas 37—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are messrs Boyd, Brown, Chiles, Clark, Clough, Coker, Conner, Cook, Coopwood, Cunningham, Dubose, Faulk, Gayle, George, Hall, Herbert, Hodges, Hogan, Hogg, Hudson, Jackson, Kilpatrick, King of P. Lane, Langford, Lawler, Lea, Massey, M'Collum, Moore of W. Price, Riddle, Roberts, Shortridge, Stephens, Williams and Young.

Those who voted in the negative are messrs Speaker, Acklen, Baker, Barclay, Brodnax, Dillahunty, Durand, Everett, Gilbreath, Harris, Hickman, King of J. King of M. Mardis, M'Vay, Moore of M. Murphree, Musgrove, Oliver, Philpot, Rather, Richardson, Ross, Rugely, Sanders, Scott, Taylor, Townsend, Walker and Ward.

The previous question was then demanded by a majority of the members present; when the said previous question was put, viz: Shall the main question be now put? and passed in the affirmative. And the main question was on concurring with the resolution reported by the committee on privileges and elections, in the case of the contested election from the county of Monroe. Yeas 46—Nays 19.

The yeas and nays being desired those who voted in the affirmative are messrs Speaker, Acklen, Baker, Barclay, Brodnax, Brown, Chiles, Clark, Clough, Cook, Cunningham, Dillahunty, Durand, Everett, Gilbreath, Harris, Herbert, Hickman, Hogg, Hudson, Jackson, King of J. King of M. Lane, Lawler, Mardis, Massey, M'Vay, Moore of M. Murphree, Musgrove, Oliver, Philpot, Rather, Richardson, Roberts, Ross, Rugeley, Sanders, Scott, Stevens, Taylor, Townsend, Ward, Williams and Young.

Those who voted in the negative are messrs Boyd, Coker, Conner, Coopwood, Dubose, Faulk, Gayle, George, Hall, Hodges, Hogan, King of P. Lea, M'Collum, Moore of W. Price, Riddle, Shortridge and Walker.

So the resolution was concurred in by the House.

And then the House adjourned until to-morrow morning at 9 o'clock.

Thursday, Dec. 16, 1830.—The House met pursuant to adjournment.

Mr King of J. moved a call of the House, and the following members answered to their names, to wit: messrs Speaker, Barclay, Boyd, Brodnax, Brown, Clark, Clough, Coker, Conner, Cunningham, Dubose, Dilleat, Everett, Faulk, Gilbreath, Hall, Herbert, Hodges, Hogan, Hogg, Horton, Hudson, Kilpatrick, King of J. King of P. Langford, Massey, M'Vay, Metcalfe, Moore of M. Moore of W. Price, Riddle, Richardson, Sanders, Scott, Shortridge, Stevens, Taylor, Townsend, Ward, Williams and Young.

Mr Riddle presented the account of Jacob J. Cribbs; which was read and referred to the committee on accounts.

Mr Young presented the petition of Richard D. Shackleford, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr Williams presented the account of Wiley, M'Guire & Henry; which was read and referred to the committee on accounts.

Mr Baker presented the petition of sundry inhabitants of Montgomery county, praying the passage of a law to establish a Branch of the Bank of the State of Alabama, or an office of discount and deposite, at the town of Montgomery; which was read and referred to the committee on the State Bank.

Mr Hudson presented the petition of sundry inhabitants of the county of Franklin, praying the passage of a law to establish an office of discount and deposite, in the town of Tuscumbia; which was read and referred to the committee on the State Bank.

Mr Williams, from the committee on the State Capitol to whom was referred so much of the Governor's message as relates to the unfinished and exposed situation of the State Capitol, reported a bill to be entitled an act to make an appropriation for completing and enclosing the State Capitol; which was read and ordered to a second reading to-morrow.

Mr Lawler, from the committee on roads, bridges and ferries, to whom was referred a resolution instructing them to inquire into the expediency of so amending the road laws as to compel free persons of color to work on roads, streets and public highways, reported that the existing law provides that free persons of color shall work on roads; they therefore, respectfully ask leave to be discharged from the further consideration of the subject; which was granted.

The same committee, to which was referred the petition of William M. Marr, praying the passage of a law authorizing a road to be opened from main-street, near the State Capitol, to intersect a road heretofore granted by the commissioners court of Tuscaloosa county, ending at the margin of this town, near the northwest corner thereof, with other petitions of sundry citizens of Tuscaloosa county, praying that said road may be opened; also, the petition of sundry citizens of the town and county of Tuscaloosa, praying that said road may not be opened, reported a bill to be entitled an act to authorize William M. Marr to open and keep in repair a certain road therein mentioned; which was read and ordered to a second reading to-morrow.

Mr Clark, from the committee on propositions and grievances, to whom was referred the petition of Leonard M. Tarrent, judge, &c. and others, commissioners of revenue and roads, on behalf of the securities of the defaulting tax-collector of Shelby county, praying for an allowance of nineteen dollars, for insolvencies in the collection of taxes for the year 1829, which the said collector has failed to have certified, reported that they have no evidence which would authorize them to allow said sum, and therefore, ask leave to be discharged from the further consideration of the subject; which was granted.

Mr Hogan, from the select committee to which was referred the preamble and resolution, suggesting an abuse in the use of patent beams in weighing cotton for sale, and instructing them to inquire into the grievance, if one exist, with leave to report by bill or otherwise, a suitable remedy, reported that they have examined the several laws in relation to weights and public weighers in this State; that there is no law authorizing public weighers to use patent beams, levers or balances in weighing cotton or other produce, but that the several acts on this subject contemplate, and imply that they should weigh with scales and weights alone.

The same committee, reported a bill to be entitled an act supplemental to an act, authorizing the judge of the County Court of Mobile county, to appoint a public weigher in the city of Mobile, passed December 31, 1822; which was read and ordered to a second reading to-morrow.

A message from the Governor by James I. Thornton: Mr Speaker—I am requested by the Governor to inform your honorable body, that he did on the 15th inst. approve and sign the following bills: An act requiring the sheriff of Tuscaloosa and Lauderdale counties to return a list of the qualified jurors in their counties at different times than those now pre-

scribed by law ; an act to change the names and render legitimate, certain persons therein named ; an act to revive and continue in force an act to incorporate the town of Cahawba, passed December 3, 1819 ; and an act to furnish each commissioner of revenue and roads, with the statutes of this State ; all of which originated in the House of Representatives.

A message from the Senate by Mr Gayle : Mr Speaker—The Senate have read three several times and passed a joint memorial, which originated in the House of Representatives, entitled, memorial of the General Assembly of the State of Alabama, to the Hon. the Senate and House of Representatives of the U. S. in Congress assembled. They have also read three several times and passed bills which originated in their House, entitled an act to exempt certain property therein specified from sale by execution or attachment ; an act prescribing the mode of trying contested elections for sheriffs and other officers ; and an act to change the time of holding the County Court of Jackson county ; in which they desire the concurrence of your honorable body.

Bills from the Senate of the following titles, to wit : An act to exempt certain property therein specified, from sale by execution or attachment ; and an act prescribing the mode of trying contested elections for sheriffs and other county officers, were severally read and ordered to a second reading to-morrow.

The bill from the Senate entitled an act to change the time of holding the County Court of Jackson county, was read. Mr Stevens moved that the bill lie on the table ; which was carried.

The House resumed the consideration of the bill from the Senate, entitled an act making further regulations for selling the University lands. Mr Mardis moved to recommit the bill to the judiciary committee.—Mr Clark moved the following instructions : To call upon the President of the Board of Trustees, for a report of which rules and ordinances of that board now exist granting further indulgence to the purchasers in Franklin county or elsewhere, and whether said purchasers have availed themselves of said provisions, or refused. Mr Conner offered the following amendment : And that they do report to this House to-morrow morning. Mr Coopwood moved to amend Mr Conner's amendment by striking out the word 'to-morrow,' with the view to insert the words "on Saturday morning ;" which was carried. The amendment as amended was then adopted. Mr Clark's instructions were then adopted. Mr Dillahunty offered the following amendment : And that the President of the Board of Trustees of the University, be further instructed to furnish the committee with one of the bonds or obligations, or a copy thereof, given by those who accepted further credit from the Trustees ; which was adopted. A division of the question being called for, the vote was first taken on the recommitment of the bill, and carried ; the vote was then taken on Mr Clark's instructions, and carried.

Mr Massey introduced a bill to be entitled an act to abolish the line between the counties of St. Clair and Jefferson, and to repeal an act entitled an act to alter the boundary line of Jefferson county ; which was read and ordered to a second reading to-morrow.

Mr Mardis called up the bill from the Senate, entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State ; it was then referred to the committee on Indians and Indian affairs.

Mr Mardis also, called up the bill entitled an act to extend the jurisdiction of the State over the Indian Territory ; it was then referred to the committee on Indians and Indian affairs.

Mr Gayle called up the bill entitled an act to prevent malicious and vexatious law suits; it was then placed among the orders of the day.

The House then proceeded to the consideration of the orders of the day.

On motion of Mr Gayle, the House took into consideration the bill entitled an act to organize a separate Supreme Court; it was then read a second time. Mr Clark moved to amend the bill by adding thereto the following additional section. SEC. — *And be it further enacted*, that the judges of the Circuit Courts, hereafter to be elected or appointed, shall receive an annual Salary of — dollars, each to be paid quarter yearly. Mr Lea moved to recommit the bill to the judiciary committee; which was lost. The question occurred on Mr Clark's amendment, and lost.— Yeas 21—Nays 49.

The yeas and nays being desired, those who voted in the affirmative are, messrs Boyd, Clark, Cook, Coopwood, Gayle, Hickman, Hodges, King of J. King of M. Lane, Lawler, Mardis, Moore of M. Oliver, Rather, Sanders, Scott, Stephens, Walker, Ward and Williams.

Those who voted in the negative are, messrs Speaker, Acklen, Baker, Barclay, Brodnax, Brown, Chiles, Clough, Coker, Collins, Cunningham, Dubose, Dillahunty, Dillett, Durand, Everett, Faulk, George, Hall, Harris, Herbert, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of P. Langford, Lea, Massey, M'Colum, M'Vay, Metcalfe, Mobley, Moore of W. Murphree, Musgrove, Philpot, Price, Riddle, Richardson, Roberts, Ross, Rugeley, Shortridge, Taylor, Townsend, and Young.

Mr Baker offered the following amendment: *And be it further enacted*, that in all cases in which a case is taken from any court below, the decision of the court shall be fairly and briefly excepted to by the dissatisfied party, and decided by the Supreme Court, wholly upon written argument as submitted; which was lost. Yeas 14—Nays 56.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Baker, Collins, Coopwood, Dubose, Jackson, Lane, Mobley, Moore of W. Oliver, Roberts, Rugeley, Scott, Stephens and Ward.

Those who voted in the negative are messrs Speaker, Acklen, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Conner, Cook, Cunningham, Dillahunty, Dillett, Durand, Everett, Faulk, Gayle, George, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Kilpatrick, King of J. King of P. Langford, Lawler, Lea, Mardis, Massey, M'Colum, M'Vay, Metcalfe, Moore of M. Murphree, Musgrove, Philpot, Price, Rather, Riddle, Richardson, Ross, Sanders, Shortridge, Taylor, Townsend, Walker, Williams and Young.

Mr Coopwood then moved that the further consideration of the bill be postponed, and made the special order of the day for Monday next; which was carried.

And then the House adjourned until to-morrow at 9 o'clock A. M.

Friday, Dec. 17, 1830.—The House met pursuant to adjournment.

Mr Taylor moved a call of the House, when the following members answered to their names, to wit:

Messrs Speaker, Acklen, Baker, Barclay, Brodnax, Brown, Clough, Coker, Collins, Cook, Cunningham, Gilbreath, Herbert, Horton, Jackson, Kilpatrick, King of J. King of P. Langford, Lawler, Massey, M'Colum, M'Vay, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Ross, Sanders, Shortridge, Stephens, Taylor, Townsend, Walker and Ward.

Mr Conner presented the petition of sundry inhabitants of Marengo and Greene counties, praying an alteration in the law appointing commissioners to mark out a road from Greensborough to Mobile, so that it run by Linden; which was read and referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr Moore of M. from the committee on lands appropriated for internal improvement, to whom was referred a resolution instructing them to inquire into the expediency of passing a law authorizing the entry of tracts of 40 acres of lands, or one fourth of the quarter section, as the case may be, on any of the lands granted to this State by Congress, for the improvement of the navigation of Tennessee and other rivers, reported a bill to be entitled an act to authorize the entry of the unsold lands granted to the State for the purpose of improving the Tennessee and other rivers, in the State, in tracts of not less than 40 acres ; which was read and ordered to a second reading to-morrow.

The same committee to whom was referred the bill from the Senate entitled an act for the relief of certain occupants of lands in the counties of Morgan and Madison, reported the same to the House, and that it would be inexpedient to pass the bill ; and ask to be discharged. Mr Moore of M. moved that the House disagree to the report ; which was carried. The bill was then ordered to a third reading to-morrow.

A message from the Senate by Mr Gayle : Mr Speaker—I am instructed by the Senate to inform you, that they have read three several times and passed bills of the following titles, to wit : An act to appropriate a part of the Three Per Cent. Fund for certain purposes therein named ; an act to incorporate the town of Waverly, in Pickens county, and Fayetteville, in the county of Fayette ; an act to provide the means of building a jail for the county of Tuscaloosa ; an act to alter and amend an act entitled an act to incorporate the town of Vernon, in the county of Autauga ; and an act to provide for digesting the laws of the State of Alabama ; in which they desire the concurrence of your honorable body.

Bills from the Senate of the following titles, to wit : An act to appropriate a part of the Three Per Cent Fund for certain purposes therein named ; an act to incorporate the town of Waverly, in Pickens county, and Fayetteville, in the county of Fayette ; an act to provide the means for building a jail for the county of Tuscaloosa ; an act to alter and amend an act entitled an act to incorporate the town of Vernon, in the county of Autauga ; and an act to provide for digesting the laws of the State of Alabama, were severally read a first time and ordered to a second reading to-morrow.

Mr Moore of M. from the committee on lands appropriated for internal improvement, to whom was referred a bill to be entitled an act for the relief of certain occupants of lands in the counties of Morgan and Madison, which originated in the House, reported that it would be expedient to pass the bill ; and ask to be discharged. *Ordered*, that the bill and report lie on the table.

The same committee to whom was referred the petition of James B. Graham and Thomas B. Murphy, reported that it would be inexpedient to grant the prayer of the petitioners ; and ask to be discharged from the further consideration of the same. *Ordered*, that the report lie on the table.

Mr Dillett made the following report : The judiciary committee, in pursuance of the reference of this House, have had under consideration a bill to be entitled an act extending relief to Daniel Davis, Meredith Thomas, and E. W. Thomas, and have directed me to report the same to this House without amendment. Your committee can discover no reasonable objection to the passage of the law. The bill was then ordered to a third reading to-morrow.

Mr Dillett made the following report : The judiciary committee have had under consideration, a bill to be entitled an act to repeal in part an act therein mentioned ; and have instructed me to report the same to this House without amendment. The bill was then ordered to a third reading to-morrow.

Mr Dillett made the following report : The judiciary committee have had under consideration, a bill to be entitled an act to repeal the fourth section of an act entitled an act to revive in part a certain act therein specified ; and have directed me to report the same to this House, with the following amendment : after the word 'specified,' in the third line, insert the words 'passed 15th Januaary, 1828.' *Ordered*, that the House concur in the said amendment. The bill was then ordered to a third reading to-morrow.

Mr Dillett made the following report: The judiciary committee have had under consideration a resolution directing them to inquire into the expediency of passing a law exempting from execution a certain amount or portion of tools belonging to mechanics, and have instructed me to report there is a bill now before this House embracing very fully the subject of the resolution, and request to be discharged from the further consideration thereof; which was granted.

Mr Dillett made the following report: The judiciary committee have had under consideration a resolution directing them to inquire into the expediency of abolishing the county court system and establishing a court of ordinary and have instructed me to report that it would be improper at this time to make the alterations proposed in the resolution; in which report the House concurred.

Mr Dillett made the following report: The judiciary committee in pursuance of the order of this House, have had under consideration a resolution directing them to inquire into the expediency of passing a law setting apart a certain day in the week for the trial of criminal business, at each Circuit Court, and have directed me to report, that in the opinion of your committee, the inconveniencies which would follow the passage of the law proposed by the resolution, would be much more serious than those under which the courts, parties and witnesses at present labor, and that it is inexpedient to legislate on the subject as proposed in the resolution; which report was concurred in.

Mr Dillett made following report: The judiciary committee have examined a resolution referred to them by this House, directing them to inquire into the propriety of inserting a section in the bill having for its object the establishment of a separate Supreme Court, fixing the salaries of the Circuit Court Judges, hereafter to be elected, at twelve hundred dollars per annum, and have directed me to report that the subject is very fully before the House by bill, and beg to be discharged from the further consideration of the resolution; which was granted.

Mr Dillett made the following report: The judiciary committee in pursuance of the reference of this House, have had under consideration a resolution directing them to inquire into the expediency of passing a law to require justices of the peace to hold their court one day in each month, and also inquire into the expediency of jury trials before justices of the peace, and have instructed me to report that the provisions proposed by the resolution are inexpedient. Mr Gayle moved to lay the report on the table; which was carried.

Mr Dillett made the following report: The judiciary committee have had under consideration a resolution directing them to inquire into the expediency of abolishing imprisonment for debt, and have instructed me to report, that the subject is already under the consideration of the House by bill, and respectfully ask to be discharged from the further consideration of said resolution; which was granted.

Mr Dillett made the following report: The judiciary committee have had under consideration a resolution directing them to inquire into the propriety of amending the law so as to authorize county surveyors to run and mark section lines, and establish corners where there appears to be a deficiency, and have instructed me to report that legislation on that subject is inexpedient; which was concurred in by the House.

Mr Dillett from the judiciary committee to whom was referred a bill to be entitled an act to provide a summary mode for the trial of breaches of the peace, reported that the mode now provided by law for the trial of

the description of offences specified in the above named bill, affords more security to the citizen and the State, than is promised by the alteration proposed. The committee deem it unnecessary to point out the inconveniences which would follow the passage of the proposed law; the bill is therefore reported without amendment and is considered altogether inexpedient. Mr Hodges moved to lay the bill and report on the table; which was carried.

Mr Acklen, from the judiciary committee to whom was referred sundry resolutions instructing them to inquire into the expediency of amending the existing usury laws of this State, reported a bill to be entitled an act to amend an act to regulate the rate of interest, passed December 17th, 1819; which was read and ordered to a second reading to-morrow.

Mr Gayle moved that seventy-five copies of said bill be printed; which was carried.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, a memorial of the General Assembly of the State of Alabama to the honorable the Senate and House of Representatives of the United States in Congress assembled, which originated in this House.

Mr Mardis, from the select committee to whom was referred the joint memorial from the Senate, entitled joint memorial of the Senate and House of Representatives of the State of Alabama in General Assembly convened, reported sundry amendments; which were concurred in. Mr Cook moved to postpone the further consideration of the memorial, and that it be made the special order of the day on Tuesday next, and that seventy-five copies thereof be printed for the use of the House; a division of the question being called for, the vote was first taken on the postponement, and carried. Yeas 41—Nays 28.

The yeas and nays being desired those who voted in the affirmative are, messrs Speaker, Baker, Barclay, Brodnax, Chiles, Clough, Coker, Collins, Cook, Coopwood, Dubose, Dillahunt, Faulk, Hall, Hickman, Hodges, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of P. Lea, M'Collum, M'Vay, Metcalfe, Mobley, Moore of W. Oliver, Philpot, Price, Rather, Richardson, Ross, Rugely, Sanders, Taylor, Townsend, Walker, Ward and Williams.

Those who voted in the negative are messrs Acklen, Boyd, Brown, Clark, Conner, Cunningham, Dillett, Durand, Everett, Gayle, George, Harris, Herbert, Hogan, King of J. King of M. Lane, Langford, Lawler, Mardis, Massey, Moore of M. Murphree, Musgrove, Riddle, Roberts, Scott and Young.

The vote was then taken on printing the memorial and carried.

Mr M'Collum, from the select committee to whom was referred the petition of sundry citizens of Fayette county, praying that an additional tax may be laid on the taxable property of said county, sufficient to pay George Worley for losses sustained by him, as alleged on the petition, in building and assisting in the building of the court house for said county, reported that the said petition has only seven names of said citizens of Fayette county subscribed to said petition, and cannot recognize their authority to tax the other citizens thereof, and therefore ask leave to be discharged from the further consideration thereof; which was granted.

On motion of mr Dillett: *Ordered*, that mr Lea have leave of absence until Monday next.

The House then proceeded to the orders of the day.

The bill from the Senate entitled an act to authorize attorneys of adjoining States to practice law in this State under certain restrictions, was read a second time and ordered to a third reading to-morrow.

The bill from the Senate entitled an act to divorce Eliza Bolt from

Lewis Bolt, was read a second time. Mr Clark moved to postpone the further consideration of the bill until Monday next; which was carried.

The bill from the Senate entitled an act to authorize justices of the peace to take bail in certain cases, was read a second time and referred to the judiciary committee.

The bill from the Senate entitled an act to enable the State of Alabama to sell and dispose of certain reserved lands therein named, was read a second time. Mr Moore of M. moved to refer the bill to the committee on lands appropriated for internal improvement, with instructions to report on Monday next; which was lost. Mr Roberts moved that it be postponed and made the special order of the day for Tuesday next; which was lost. Yeas 20—Nays 46.

The yeas and nays being desired those who voted in the affirmative are, messrs Speaker, Acklen, Barclay, Boyd, Chiles, Dillett, Gilbreath, Herbert, King of J. King of M. Lawler, mardis, moore of M. Philpot, Price, Roberts, Scott, Shortridge, Taylor and Young.

Those who voted in the negative are, messrs Baker, Brodnax, Brown, Clark, Clough, Coker, Collins, Cook, Coopwood, Cunningham, Dillahanty, Durand, Everett, Faulk, Gayle, George, Hall, Harris, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, Lane, Langford, massey, m'Collum, m'Vay, metcalfe, moore of W. murphree, musgrove, Oliver, Rather, Riddle, Richardson, Ross, Rugely, Sanders, Stephens, Walker, Ward and Williams.

Mr Moore of M. moved that the bill be indefinitely postponed; which was lost. Yeas 19—Nays 48.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Acklen, Barclay, Brown, Clark, Collins, Dillett, Herbert, Hogg, King of J. King of M. Langford, Lawler, Massey, Moore of M. Scott, Stephens, Taylor and Young.

Those who voted in the negative are messrs Baker, Boyd, Brodnax, Clough, Coker, Conner, Cook, Coopwood, Cunningham, Dubose, Dillahanty, Durand, Everett, Faulk, Gayle, George, Hall, Harris, Hickman, Hodges, Hogan, Horton, Hudson, Jackson, Kilpatrick, Lane, Mardis, M'Collum, M'Vay, Metcalfe, Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Roberts, Ross, Rugeley, Sanders, Shortridge, Townsend, Walker, Ward and Williams.

Mr Moore of M. moved the following amendment: *Provided*, that this act shall not extend to any lands lying above the town of Florence; *And provided further*, that all timber, rock and gravel lying within one quarter of a mile of the Tennessee river, shall remain on said lands for the space of five years unremoved, except for the use of the canal. Mr Coopwood moved to amend the amendment by striking out the first part thereof, to the word *and*, in the third line.

The House then adjourned to to-morrow morning 9 o'clock.

Saturday, Dec. 18, 1830.—The House met pursuant to adjournment.

Mr Mobley moved a call of the House; which was lost.

Mr Clark presented the petition of sundry inhabitants of Bibb county, praying that the right of a certain stray to be vested in Ezekiel Miller; which was read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr Brodnax, from the committee on county boundaries, to whom was referred a resolution instructing them to inquire into the expediency of altering the line that divides the county of Tuscaloosa and Bibb, reported a bill to be entitled an act altering the boundary lines between the counties of Bibb and Tuscaloosa; which was read and ordered to a second reading on Monday next.

A message from the Senate by mr Gayle: Mr Speaker—The Senate have read three several times and passed a bill entitled an act to mark and

cut out a road from the town of Tuscaloosa to the line between this State and the State of Mississippi; in which they desire the concurrence of your honorable body.

The bill from the Senate entitled an act to mark and cut out a road from the town of Tuscaloosa to the line between this State and the State of Mississippi, was read and ordered to a second reading on Monday next.

Mr Mardis, from the committee on Indians and Indian affairs, to whom was referred the bill from the Senate, entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State, reported the same as amended by striking out all after the enacting clause, and by substituting another bill in lieu thereof. Mr Baker moved that the further consideration of the bill be postponed and made the special order of the day for Wednesday next; which was carried.

Mr Dillett, from the judiciary committee, asked for further time to make report on the bill from the Senate, entitled an act making further regulations for selling the University lands; which was granted.

Mr Dillett, from the judiciary committee to whom was referred a bill to be entitled an act to authorize justices of the peace to take bail in certain cases, reported the same without amendment, and that the bill ought to pass; it was then ordered to a third reading on Monday next.

Mr Baker, from the select committee to which was referred an engrossed joint resolution, to authorize the appointment of a commissioner to act with such commissioner as he may be appointed by the United States, to define the line between this State and West Florida, reported the same without amendment; it was then ordered to a third reading on Monday next.

Mr Rugely presented the petition of sundry inhabitants of Lowndes county, praying that an election precinct be established at the house of Moses Pierce, in said county; which was read and referred to the committee on privileges and elections.

Mr Mobley, from the select committee to whom was referred a bill entitled an act to attach part of the county of Wilcox to the county of Clarke, reported the same without amendment, as a bill which, in the opinion of this committee, ought to pass; the bill was then ordered to be engrossed for a third reading on Monday next.

Mr Mobley, from the select committee to whom was referred the petition of William Waller, praying the emancipation of a certain slave therein named, reported a bill to be entitled an act to emancipate a certain slave therein named; which was read and ordered to a second reading on Monday next.

On motion of Mr Coopwood: *Resolved*, that the judiciary committee be instructed to inquire into the propriety of passing a law prohibiting judges of the County Courts from making greater allowances to guardians than the nett proceeds of the estates of their wards, for sustenance, unless they be idiots or invalids, and except for purposes of education, with leave to report by bill or otherwise.

Mr Clark introduced a bill to be entitled an act to repeal an act appointing commissioners to mark out a road through that part of Pike county now occupied by the Creek Indians, and for other purposes, passed January 20, 1830; which was read, and the question being put, Shall this bill be rejected? it was determined in the affirmative. Yeas 37—Nays 32.

The yeas and nays being desired those who voted in the affirmative are messrs Speaker Acklen Baker Brodnax Brown Clough Coker Cook Dubose Durand Faulk Hall Herbert Hickman Hogg Horton Jackson King of P. Lane Langford Lawler

mardis massey mobley moore of W. murphree musgrove Oliver Roberts Ross Rogeley Sanders Shortridge Stephens Taylor Townsend and Ward.

Those who voted in the negative are messrs Barclay Boyd Chiles Clark Collins Conner Coopwood Cunningham Dillahunty Dillett Everett Gayle George Gilbreath Harris Hodges Hogan Hudson King of J. King of M. m'Collum m'Vay Metcalfe moore of W. Philpot Rather Riddle Richardson Scott Walker Williams and Young.

Mr Townsend introduced a bill to be entitled an act to establish and regulate justices' courts in this State; which was read. Mr Dillett moved that the bill be indefinitely postponed; which was lost. Yeas 15—Nays 54.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen, Clark, Dillett, Everett, Gilbreath, Lawler, mardis, Metcalfe, Philpot, Rather, Richardson, Sanders, Taylor, Walker and Young.

Those who voted in the negative are messrs Speaker, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clough, Coker, Collins, Conner, Cook, Coopwood, Cunningham, Dubose, Dillahunty, Durand, Faulk, Gayle, George, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, massey, m'Collum, m'Vay, Mobley, moore of M. moore of W. murphree, musgrove, Oliver, Price, Riddle, Ross, Rogely, Scott, Shortridge, Stephens, Townsend, Ward and Williams.

The bill was then ordered to a second reading on Monday next.

Mr Gayle offered the following resolution: *Resolved*, that no bill or joint resolution having the effect of a law, will be received from any member of this House after the 25th of the present month. Mr Coopwood moved that the further consideration of the resolution be postponed until the 25th inst; which was carried.

Mr Harris introduced a bill to be entitled an act further to regulate judicial proceedings; which was read and ordered to a second reading on Monday next.

Mr Taylor from the select committee to which was referred the petition of sundry inhabitants of the county of Dallas, reported a bill to be entitled an act to establish a certain ferry therein named; which was read and ordered to a second reading on Monday next.

On motion of mr Baker: *Ordered*, that messrs Lane and Mardis be added to the select committee appointed on a resolution introduced by mr Baker on the 15th inst.

Mr Speaker laid before the House a report of the agent of the board of trustees of the University of Alabama, in relation to the amount of debts due the University for lands sold at seventeen dollars and upwards; also the amount due for lots sold in Montevallo, and particularly noting the amount of insolvencies; which was read and referred to the judiciary committee to consider and report thereon.

Mr Jackson obtained leave to introduce a bill to be entitled an act to provide for the payment of the petit jurors in the County Court of Pike county; which was read and ordered to a second reading on Monday next.

Mr Coopwood introduced a bill to be entitled an act to amend the laws in relation to the limitations of actions; which was read and ordered to a second reading on Monday next.

Mr Conner introduced a bill to be entitled an act to increase the capital stock of the Bank of the State of Alabama; which was read and ordered to a second reading on Monday next.

Mr Acklen called up the bill entitled an act altering the punishment of the crime of forgery and counterfeiting; it was placed amongst the orders of the day.

Mr Massey introduced a bill to be entitled an act to incorporate the Ashville academy in St Clair county; which was read and ordered to a second reading on Monday next.

On motion of mr Musgrove: *Resolved*, that the military committee be instructed to inquire into the propriety of enacting a law, making it the duty of each and every platoon officer of the militia of this State, within six months after being sworn into office, to equip him or themselves with full and complete uniform, made in such form as is pointed out for the uniform of the officers of like grade in the United States service; *Provided however*, that such of said platoon officers as may think proper, may wear blue jeans for such uniform; with leave to report by bill or otherwise.

Mr Roberts introduced a bill to be entitled an act to reduce the tax upon billiard tables and playing cards; which was read. Mr Hodges moved that the further consideration of the bill be postponed to the 1st day of March next; which was carried. Yeas 33—Nays 32.

The yeas and nays being desired those who voted in the affirmative are messrs Speaker, Baker, Chiles, Clark, Clough, Coker, Collins, Coopwood, Cunningham, Faulk, Hall, Hickman, Hodges, Hogg, Jackson, King of J. King of P. Lane, Langford, Lawler, Massey, M'Collum, M'Vay, Metcalfe, Moore of W. Murphree, Musgrove, Oliver, Philpot, Sanders, Walker, Williams and Young.

Those who voted in the negative are messrs Barclay, Boyd, Brown, Cook, Dubose, Dillett, Durand, Everett, Gayle, George, Gilbreath, Harris, Herbert, Hogan, Horton, Hudson, Kilpatrick, King of M. Moore of M. Price, Rather, Riddle, Richardson, Roberts, Ross, Rugeley, Scott, Shortridge, Stevens, Taylor, Townsend and Ward.

Mr M'Collum introduced a bill to be entitled an act to repeal an act entitled an act to authorize the judge of the county court and commissioners of roads and revenue of Fayette county, to levy an extra tax, approved January 24th, 1829; which was read and ordered to a second reading on Monday next.

Mr Clark moved the adoption of his amendment to the 23d rule; which was carried.

Mr Baker offered the following: I shall move on Monday next, to amend the 24th rule, by striking out the word *twelve* and inserting *eleven*; which lies over one day.

The House then proceeded to the consideration of the orders of the day.

The House resumed the consideration of mr Coopwood's amendment to mr Moore's of M. amendment to the bill entitled an act to enable the State of Alabama to sell and dispose of certain reserved lands therein named. Mr Moore of M. moved to amend the amendment by striking out all after the word "*Resolved*," to insert the following: "*further*, that all timber, rock or gravel lying within one quarter of a mile of the Tennessee river, shall remain on said lands, for the use of said canal, for the space of five years, and shall not be used except for the use of constructing said canal; *and provided further*, that no person shall be permitted to enter any of said lands, except such persons as were entitled to occupancies and returned as such into the office of the register by the commissioners who selected, classed and valued said lands;" a division of the question being called for, the vote was first taken on striking out and carried. Mr Roberts called for the previous question, and the question was on mr Roberts' call, and carried. Yeas 45—Nays 22.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker, Boyd, Broadnax, Chiles, Clough, Coker, Cook, Coopwood, Cunningham, Dubose, Faulk, Gayle, George, Hall, Harris, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of P. Lane, Langford, Mardis, Massey, M'Collum, M'Vay, Metcalfe, Moore of W. Oliver, Price, Riddle, Richardson, Roberts, Ross, Rugeley, Sanders, Shortridge, Townsend, Walker, Ward and Williams.

Those who voted in the negative are messrs Speaker, Barclay, Brown, Clark, Collins, Dillahunty, Dillett, Durand, Everett, Gilbreath, Herbert, Hickman, King

of M. Mobley, Moore of M. Murphree, Musgrove, Philpot, Rather, Taylor, Stephens and Young.

The previous question was then demanded by a majority of the members present; when the said previous question was put, viz: Shall the main question be now put? and passed in the affirmative; and the main question was on reading the bill a third time on Monday next, and carried.

The bill entitled an act to attach a part of the county of Montgomery to the county of Shelby, was read a second time and referred to the Representatives from said counties.

The bill from the Senate entitled an act to authorize Thomas A. Heard of Walker county, to erect a mill and other water works on the Black Warrior river, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bills of the following titles, to wit: An act relating to the acknowledgement of deeds and relinquishment of dower, and an act to change the time of holding the County Court of Pike county; were severally read a third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to compel justices of the peace to give security and for other purposes, was read a second time and referred to a select committee consisting of messrs Lawler, King of J. and Hudson.

The bill entitled an act for the relief of William Jones, tax collector of Lawrence county, was read a second time and referred to a select committee consisting of messrs Coopwood, Hodges and Brown.

And then the House adjourned till Monday morning at 10 o'clock.

Monday Dec. 20, 1830.—The House met pursuant to adjournment.

Mr Moore of W. presented the petition of sundry inhabitants of the 12th range, and 12th township, in the county of Wilcox, praying to be attached to the county of Lowndes; which was read and referred to the committee on county boundaries.

Mr Conner presented the petition of sundry inhabitants of Marengo county, praying that Prairie Creek be made the boundary line between Greene and Marengo counties; which was read and referred to the committee on county boundaries.

Mr Mardis presented the accounts of William Cameron; which were severally read and referred to the committee on accounts.

Mr Speaker laid before the House the record and proceedings of the Circuit Court of Dale county, exercising chancery jurisdiction, in the case of Aaron Lockhart against Mary Lockhart, for divorce; which was read and referred to the committee on divorce and alimony.

Mr Rogely presented the petition of sundry inhabitants of Lowndes county, praying to establish and discontinue certain election precincts therein named; which was read and referred to the committee on privileges and elections.

Mr Acklen presented the petition of sundry inhabitants of township two, range one, west of the basis meridian, in Madison county, praying the passage of a law to authorize the sale of the 16th section in said township; which was read and referred to the committee on education.

A message from the Senate by Mr Gayle: Mr Speaker—I am instructed by the Senate to inform you that they have rejected a bill which originated in the House of Representatives, entitled an act to authorize the administrators of the estate of John Barron, deceased, to sell a certain negro man slave named Primus, which belonged to the estate of said deceased. They have read three several times and passed bills, entitled an act to regulate the fees of sheriffs; an act to manumit and set free a certain slave therein named, and for other purposes; in which they desire your concurrence.

They have also adopted the following resolution: *Resolved*, that the Secretary of the Senate inform the House of Representatives that the Senate will have gone through with the business before them on or before Friday next, and will at that time be prepared to adjourn *sine die*.

Mr Conner moved that the resolution lie on the table ; which was carried.

Mr Dillett moved to suspend for the present the orders of the day ; which was carried.

Mr Dillett made the following report : The judiciary committee, in pursuance of the order of the House, have had under consideration a bill to be entitled an act making further regulations for selling University lands ; and have instructed me to report the same to the House without amendment.

Mr Young moved that the further consideration of the bill and report be postponed until to-morrow ; which was carried.

Bills from the Senate of the following titles, to wit : An act to regulate the fees of sheriffs ; an act to manumit and set free a certain slave therein named, and for other purposes, were severally read a first time and ordered to a second reading to-morrow.

A communication was received from the Governor by James I. Thornton, which is as follows :

EXECUTIVE DEPARTMENT, Dec. 20, 1830.

The Hon. the Speaker and members of the House of Representatives,

Gentlemen : I herewith transmit you a communication from the Adjutant and Inspector General of the State ; as also one from Major General John Braham, of the 1st division, suggesting certain modifications in the militia laws of this State.

That our laws need revision in many particulars relative to the militia, in order to render that force efficient, and to constitute it what it is nominally called, the powerful arm of defence and protection, cannot admit of a doubt.

It must also be evident, that our State has sustained a great loss in the just proportion of arms to which she is entitled, by our own omission and neglect in furnishing the correct returns of the actual military strength and condition of our State.—Great and powerful as may be the ingredient of thorough discipline in constituting the militia of the country, the great bulwark of her defence ; yet I humbly conceive, that it is much more important that arms should be placed in the hands of every militiaman. I, therefore, submit to your legislative consideration, the propriety of adopting such enactments as will be certain to coerce from the proper returning officers, full and complete returns of the actual strength and condition of the militia, together with other provisions of a character calculated to effectuate the objects contemplated by the communications herewith transmitted.

I again submit to your wisdom, whether the present salary allowed for the important, responsible and arduous duties required to be performed by the Adjutant and Inspector General, can be viewed as an adequate compensation for that officer. I am, with regard, your most obedient servant, GABRIEL MOORE.

Ordered, that the said communication, together with the accompanying documents, be referred to the military committee.

Mr Conner offered the following resolution : *Resolved*, that the clerk of this House inform the Senate that business of much public importance is now before this House ; and that in justice to the good citizens of the State of Alabama, it were totally impracticable for this House to adjourn *sine die* until this business shall have been disposed of.

Mr Mobley moved that the resolution lie on the table ; which was carried.

Mr Coopwood, who voted in the majority on postponing the bill entitled an act to reduce the tax upon billiard tables and playing cards, to the first day of March next, moved to reconsider the vote.

And then the House adjourned till three o'clock this evening.

Evening Session, 3 o'clock.—The House met pursuant to adjournment.

Mr Speaker laid before the House a communication from William Nichols, the State Architect, accounting for and explaining the defects in covering the State Capitol ; which was read and referred to the committee on the State capitol to consider and report thereon.

Mr Coopwood, from the committee on the State Bank to whom was referred a resolution instructing them to inquire into the expediency of establishing a Branch of the Bank of the State of Alabama at some suitable point in the Tennessee Val-

ley, reported a bill to be entitled an act to establish a Branch of the Bank of the State of Alabama at —; which was read and ordered to a second reading on to-morrow.

Mr Mobley offered the following: I move to amend the 19th rule as follows: Strike out the words, "and then not until the Speaker has announced that the House is engaged on the orders of the day;" which lies over one day.

Mr. Baker's amendment to the 24th rule was adopted.

Mr Mobley presented the account of John C. Thompson; which was read and referred to the committee on accounts.

Mr Brodnax, from the committee on county boundaries, to whom was referred the petition of sundry citizens of Marion county, praying to be attached to the county of Fayette, reported a bill to be entitled an act to add the residue of the 14th township, 12th range, west of the basis meridian of Huntsville, from the county of Marion to the county of Fayette; which was read and ordered to a second reading to-morrow.

Mr Lawler made the following report: The select committee to whom was referred a bill to be entitled an act to compel justices of the peace to give security, and for other purposes, have, according to order, had the same under consideration, and have instructed me to report the same with the following amendments, viz.: "Strike out from the beginning of the 18th line of the 1st section to the end of said section; Strike out the second section; Strike out all after the word 'aforesaid,' in the 30th line of the 5th section, to the word 'then' in the thirty-fifth line of same section; in all of which amendments they respectfully ask the concurrence of the House. *Ordered*, that the House concur in the first amendment to said bill.

Mr Hodges moved to postpone the bill and report until to-morrow; which was lost.

Mr Conner moved to postpone the bill and report to the second Monday in August next; which was lost. Yeas 18—Nays 40.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Baker, Barclay, Chiles, Collins, Conner, Coopwood, Faulk, Hickman, Hodges, M'Vay, Moore of M. Moore of W. Murphree, Ross, Sanders, Scott, Townsend, and Walker.

Those who voted in the negative are, messrs Speaker, Acklen, Brodnax, Brown, Clark, Clough, Coker, Cook, Cunningham, Dubose, Dillahunt, Dillett, Durand, Everett, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of P. Lane, Langford, Lawler, Mardis, Massey, M'Collum, Metcalfe, Mobley, Philpot, Rather, Riddle, Richardson, Roberts, Rugeley, Shortridge, Stephens, Ward and Williams.

Mr Clark moved to amend the second section of the bill with the following: 'and his securities,' 13th and 20th line; which was carried.

The question was then on concurring with the report of the committee, by striking out the 2nd section, and carried. Yeas 41—Nays 23.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen, Barclay, Chiles, Clough, Coker, Collins, Conner, Coopwood, Dubose, Faulk, Gayle, George, Hall, Herbert, Hickman, Hodges, Hogan, Hogg, Jackson, King of J. Lane, Langford, Lawler, M'Vay, Metcalfe, Moore of M. Moore of W. Murphree, Oliver, Philpot, Rather, Riddle, Ross, Sanders, Scott, Shortridge, Stephens, Towasend, Ward, Williams and Walker.

Those who voted in the negative are, messrs Speaker, Brodnax, Brown, Clark, Cook, Cunningham, Dillahunt, Dillett, Durand, Everett, Gilbreath, Harris, Horton, Hudson, Kilpatrick, King of P. Mardis, Massey, M'Collum, Mobley, Richardson, Roberts, and Rugely.

Mr Coopwood moved that the bill be indefinitely postponed; which was lost. Yeas 29—Nays 34.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Baker Barclay Brodnax Chiles Coker Collins Conner Coopwood Dubose Faulk Gayle George Hall Hickman Hodges Hudson Jackson Kilpatrick M'Collum M'Vay Moore of M. Moore of W. Murphree Ross Scott Townsend Walker and Ward.

Those who voted in the negative are messrs Acklen Brown Clark Clough Cook Cunningham Dillelt Durand Gilbreath Harris Herbert Hogan Hogg Horton King of J. King of P. Lane Langford Lawler Mardis Massey Metcalf Mobley Oliver Philpot Rather Riddle Richardson Roberts Rugely Sanders Shortridge Stephens and Williams.

Mr George moved that the House adjourn until to-morrow morning at 9 o'clock; which was lost.

The question was on concurring with the report of the committee in the 3rd amendment, and carried. Mr Clark offered the following amendment: strike out 4th section, all after the 6th line. Mr Stephens moved to recommit the bill to the judiciary committee; which was lost.

The question recurreed on mr Clark's amendment, and carried. Mr Hodges moved to amend the bill by adding thereto an additional section, which is as follows: SEC. — *And be it further enacted*, that before any lawyer shall be permitted to practice law in any court in this State, he shall enter into bond with good security, to be approved of by the judge of the Circuit Court, to pay over all moneys collected by him as attorney. Mr Rather offered the following amendment: unless it shall appear to the satisfaction of the court, that fifteen attorneys will leave the State every year. Mr Clark called for the previous question, which precludes the amendment. The previous question was then demanded by a majority of the House, when the said previous question was put, viz: Shall the main question be now put? and passed in the affirmative. And the main question was on reading the bill a third time, and carried. The bill was then ordered to be engrossed for a third reading to-morrow.

And then the House adjourned until to-morrow morning at 9 o'clock.

Tuesday, Dec. 21, 1830.—The House met pursuant to adjournment.

Mr Clough presented the petition of sundry citizens of Conecuh county, purchasers of University lands, asking relief; which was read and referred to the committee on education.

Mr Everett presented the petition of sundry citizens of Mobile county, praying to re-establish an election precinct at Lotts, in said county; which was read and referred to the committee on privileges and elections, to consider and report thereon.

Mr Kilpatrick presented the accounts of the sheriff and jailor of Pickens county: they were severally read and referred to the committee on accounts, to consider and report thereon.

Mr Conner, from the committee on divorce and alimony to whom was referred the petition of Obadiah Edge and Martha Edge, of the county of Pike, praying the passage of a law to divorce said parties, reported that it is inexpedient to grant the petitioners' request, and that the committee asked to be discharged from the further consideration of the subject; which was granted.

Mr Young, from the judiciary committee to whom was referred a bill entitled an act to suppress the evil practice of horse-racing on public highways, reported the bill with this amendment: first changing the title of the bill, and by substituting another in lieu thereof; which was adopted. It was then ordered to be engrossed for a third reading to-morrow.

Mr M Vay presented the account of George W. Sneed, jailor of Lauderdale county; which was read and referred to the committee on accounts.

Mr Clark, from the committee on propositions and grievances, to whom was referred the petition of Hiram P. Cochran, late sheriff and jailor of Tuscaloosa county, praying that an account annexed of seventy-two dollars, for feeding certain negroes, while in the jail of Tuscaloosa county,

committed as runaways, may be allowed and paid by the State, said negroes having afterwards broke jail and escaped, reported that in the opinion of said committee, there is a moral obligation on the county of Tuscaloosa to pay said claim, but that there is not any legal or moral obligation on the State therefor. Mr Williams moved to lay the report on the table; which was carried.

The same committee, to whom was referred the claim of William A. M'Daniel, late jailor of Tuscaloosa county, for victualling Ben, a negro man, committed to the jail of Tuscaloosa county, from the county of Pickens, on a charge of felony, reported a bill to be entitled an act making an appropriation for the payment of a certain claim against the State, to John J. Webster and Hiram P. Cochran, assignees of William A. M'Daniel; which was read and ordered to a second reading on to-morrow.

The same committee to whom was referred several certificates of witnesses, who attended the Circuit Court of Mobile county, on behalf of the State, in the case of Joseph Esparro, reported that by law, all fines and forfeitures are for the use of the county where they are assessed or accrue, that the defendant is liable to pay all costs adjudged in the cause if convicted; that if acquitted or insolvent and unable to pay the witnesses attendance on behalf of the State, are to be paid out of the fines and forfeitures assessed and accruing in the county where said causes was tried; which fines and forfeitures are set apart by law as an exclusive fund for that purpose; therefore, said claims are properly payable out of that fund, in the treasury of Mobile county, and not out of the State treasury; in which report the House concurred.

The same committee to whom was referred a resolution instructing them to inquire into the expediency of allowing to each family in this State, in addition to what is now allowed by law, free from execution, distress or levy, one work horse and such other articles as they may believe will conduce to the comfort, support and necessary convenience of the helpless women and children, reported that it is inexpedient to legislate on the subject. Mr Hodges moved to lay the report on the table; which was carried.

A message from the Senate by Mr Gayle: Mr Speaker—I am instructed by the Senate to inform you that they have concurred in the amendments made by your honorable body, to a bill which originated in their house, entitled an act to authorize Thomas A. Heard, of Walker county, to erect a mill and other water works on the Black Warrior river. They have also read three several times and passed a joint resolution and bills, entitled joint resolution reducing the price of Toulmin's Digest of the laws of Alabama; an act to fix the seat justice in Clarke county; and an act to reduce the fees of the officers of the Supreme Court; in which they desire the concurrence of your honorable body.

The bill entitled an act to fix the seat of justice in Clarke county was read a first time and made the special order of the day for a second reading to-morrow.

Bill and joint resolution of the following titles, to wit: An act to reduce the fees of the officers of the Supreme Court; joint resolution reducing the price of Toulmin's Digest of the laws of Alabama, were severally read and ordered to a second reading on to-morrow.

Mr Taylor, from the military committee to which was referred the petition of sundry inhabitants of Shelby county, reported that by the 6th section of the 4th article of the constitution of this State, the Governor is made commander in chief of the army and navy of this State, and of

the militia thereof, except when they shall be called into the service of the United States. By the 10th section of the same article, it is required that he shall take care that the law be faithfully executed. Your committee, from the powers vested in the Governor, are of opinion that that officer has all the requisite powers, and is the proper source from whence should proceed all orders to carry the laws into execution. The committee therefore, deem it inexpedient and unnecessary to legislate upon the subject, and ask leave to be discharged from the further consideration of the subject; which was granted.

The same committee, to which was referred a resolution requiring them to inquire into the expediency of enacting a law, making it the duty of such platoon officers of the militia of this State, within six months after being commissioned to equip themselves with full and complete uniform, reported that it is inexpedient to legislate on the subject; in which report the House concurred.

The same committee, to which was referred the several claims of Col. John Lawler, of Shelby county, for his services in transporting public arms from Tuscaloosa to Columbia, to said county; the account of James Shelton for hauling arms; and the account of William Baker for house rent, &c. reported that they recommend the allowance of thirty two dollars for the transportation of the arms, and eight dollars as compensation for the two accompanying guards; they also are of opinion that the account for house rent and keeping the arms in order, is unreasonable, and ought not to be allowed. Mr Hudson moved that the accounts be re-committed to the committee on accounts, with instructions to make the allowances as reported by the military committee.

Mr Philpot, from the military committee, to which was referred the petition of sundry officers of the 20th regiment of the militia of this State, reported a bill to be entitled an act to divide the 20th regiment of this State, and for other purposes; which was read and ordered to a second reading to-morrow.

Mr Speaker laid before the House the memorial of Samuel Pickens, late comptroller of public accounts; which was read and referred to a select committee to consist of messrs Gayle, Moore of M. and Young.

Mr Clark, from the committee on propositions and grievances to whom was referred the petition of sundry petitioners, praying that the right to a certain stray be vested in Ezekiel Miller, reported a bill to be entitled an act for the relief of Ezekiel Miller; which was read and ordered to a second reading to-morrow.

Mr Lawler, from the committee on roads, bridges and ferries to which was referred a resolution instructing them to inquire into the expediency of appropriating moneys arising from tavern license, and licenses for retailing spiritous liquors, for purposes of building bridges and other county improvements, reported that the committee have no data, by which they could ascertain the effect such appropriation would have upon the revenue fund; they therefore, ask to be discharged from the further consideration of the subject, and recommend its reference to the committee on ways and means. *Ordered*, that said report lie on the table. The resolution was then referred to the committee on ways and means, to consider and report thereon.

Mr Moore of M. made the following report: The select committee to whom was referred the letter of John M. Taylor, together with so much of the report of the comptroller of public accounts, as relates to the accounts and payments of John M. Taylor, with the State of Mississippi, have according to order, had the same under consideration, and have in-

structed me to report that the examination of the accounts of John M. Taylor, transferred by the State of Mississippi to this State, shews the following facts: that said John M. Taylor was assessor and taxcollector in the county of Madison, in the Mississippi Territory, for the years 1814, 1815 and 1816. The amount assessed in 1814 was \$2,771 24; the amount assessed in 1815 was \$3,726 04; the amount assessed in 1816 was \$4,872 46 cents; making the total amount, as appears by the account of the auditor, \$11,369 46; that the following credits are entered on said auditor's account transferred to this State, to wit:

1814	May	9th.	By cash on account of taxes	1814	\$499 00
"	Sept.	28.	By cash on account of taxes	"	1501 00
1815	Sept.	15.	By cash on account of taxes	"	521 81
"	"	"	By cash on account of taxes	1815	300 00
"	Nov.	6.	By cash on account of taxes	"	1,500 00
1817	Aug.	26.	By cash on account of taxes	1815-6	5,050 00
					<hr/>
					\$9,371 81

To which should be added the following credits as justly due by law, to wit:

By commissions for assessing in 1814, at 4 per cent.	\$110 84
By commissions for collecting in 1814, at 5 per cent.	138 56
By commissions for assessing in 1815, at 4 per cent.	149 04
By commissions for collecting in 1815, at 5 per cent.	186 30
By commissions for assessing in 1816; at 5 per cent.	243 60
By commissions for collecting in 1816, at 6 per cent.	292 33
By taking the census in 1816, as required by law,	145 00
<hr/>	

Making the sum of

\$10,637 48

Which amount taken from the assessments of the three years above mentioned, left a balance due the Mississippi Territory of \$731 97, which was the amount properly chargeable to the said John M. Taylor, and which your committee find was promptly paid by said John M. Taylor, into the treasury of this State, and placed to his credit. The same committee reported a joint resolution settling the account of John M. Taylor; which was read the first time and ordered to a second reading on to-morrow.

Mr Dillahunt, from the select committee to whom was referred the bill entitled an act for the relief of William Jones, taxcollector of Lawrence county, reported the same with an amendment, by striking out all after the enacting clause, by substituting another bill in lieu thereof; which was adopted by the House. The bill as amended was ordered to be engrossed for a third reading to-morrow.

Mr Acklen, from the select committee, composed of the delegation from the counties of Madison and Jackson, to whom was referred the petition of sundry inhabitants of said counties, praying the Legislature to pass an act authorizing David Cobb, Bryant Cobb and Williamson W. Cobb, to put in order and keep up a mill dam across Paint Rock river, where William Burns and William W. Pruitt formerly had a mill, reported that in the opinion of the committee, the law as it now stands will authorize the said Cobbs to exercise the privilege asked for in the petition, and that it is unnecessary to legislate on the subject, and ask leave to be discharged from the further consideration thereof; in which report the House concurred, and discharged the committee.

The same committee, to whom was referred sundry petitions, praying the Legislature to pass an act authorizing them to erect mills and keep up

mill dams across Paint Rock river in said counties, reported a bill to be entitled an act to authorize certain persons therein named, to erect mills and keep up mill dams on Paint Rock river, in the counties of Madison and Jackson; which was read the first time and ordered to a second reading on to-morrow.

Mr Baker, from the select committee to whom was referred a bill entitled an act to attach a part of the county of Montgomery to the county of Shelby, reported the same back to the House without amendment, and that it was expedient to pass the same. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Stephens obtained leave to introduce a bill to be entitled an act to repeal an act authorizing William Burns and William W. Pruitt, to continue their mill dam across Paint Rock river; which was read a first time and ordered to a second reading on to-morrow.

Mr Coopwood obtained leave to introduce a bill to be entitled an act to provide and set apart a special fund for the support of preparatory schools in each county in this State; which was read the first time and ordered to a second reading on to-morrow.

Mr Cunningham obtained leave to introduce a bill to be entitled an act to revive and make in force an act therein named; which was read the first time and ordered to a second reading on to-morrow.

Mr Moore of M. obtained leave to introduce a bill to be entitled an act to incorporate the trustees of the Huntsville female academy; which was read the first time and ordered to a second reading on to-morrow.

Mr Langford obtained leave to introduce a bill to be entitled an act to authorize Champ Langford to purchase a tract of land; which was read the first time and ordered to a second reading on to-morrow.

On motion of Mr Durand: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of altering the terms of some of the courts in the first judicial circuit, with leave to report by bill or otherwise.

Mr Sanders obtained leave to introduce a joint resolution, authorizing and directing the board of internal improvement to cause a survey and examination to be made on that part of Elk river running within the limits of the State of Alabama, for the purposes therein named; which was read the first time and ordered to a second reading on to-morrow.

Mr Hudson obtained leave to introduce a bill to be entitled an act making an appropriation for the payment of the members and officers of the present General Assembly; which was read the first time and made the special order for a second reading on to-morrow.

It being 11 o'clock, Mr Mobley moved to suspend the consideration of the orders of the day; which was lost. The House then proceeded to the consideration of the orders of the day.

The bill entitled an act to organize a separate Supreme Court being under consideration, Mr Hodges moved that it be indefinitely postponed; which was lost. Yeas 26—Nays 43.

The yeas and nays being desired, those who voted in the affirmative are, messrs Boyd, Brown, Clough, Coker, Collins, Cunningham, Dillahunty, Faulk, Hall, Harris, Hodges, Hudson, Jackson, Kilpatrick, King of P. Langford, Massey, M'Colum, M'Vay, Metcalfe, Moore of W. Murphree, Musgrove, Townsend, Walker and Ward.

Those who voted in the negative are, messrs Speaker, Acklen, Baker, Barclay, Brodnax, Chiles, Clark, Conner, Cook, Coopwood, Dubose, Dillett, Durand, Everett, Gayle, George, Gilbreath, Herbert, Hickman, Hogan, Hogg, King of J. Lane, Lawler, Lea, Mardis, Mobley, Moore of M. Oliver, Philpot, Rather, Riddle, Richardson, Roberts, Ross, Rugeley, Sanders, Scott, Shortridge, Stephens, Taylor, Williams and Young.

The bill was then made the special order to be engrossed and read the third time on Thursday next. Yeas 38—Nays 32.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Acklen, Baker, Barclay, Chiles, Clark, Collins, Conner, Dubose, Dillett, Durand, Everett, Gayle, George, Gilbreath, Herbert, Hickman, Hogan, Hogg, King of J. Lane, Lawler, Mardis, Mobley, Moore of M. Oliver, Rather, Riddle, Richardson, Roberts, Ross, Sanders, Scott, Shortridge, Stephens, Taylor, Williams and Young.

Those who voted in the negative are, messrs Boyd, Brodnax, Brown, Clough, Coker, Cook, Coopwood, Cunningham, Dillahunty, Faulk, Hall, Harris, Hodges, Horton, Hudson, Jackson, Kilpatrick, King of P. Langford, Lea, Massey, M'Collum, McVay, Metcalfe, Moore of W. Murphree, Musgrove, Philpott, Rugeley, Townsend, Walker and Ward.

The memorial from the Senate, asking a donation of lands to connect the waters of the Tennessee with those of the Coosa river, by means of a canal, being under consideration, mr Mardis moved to amend it by striking out the words "relinquished and"; which was carried. Mr Coopwood then offered the following amendment, to come in at the 4th member of the resolution: "*Provided*, that the State of Alabama shall not be compelled to or prohibited from selling any lands that may be selected at a higher price than the minimum price of the lands of the United States, at the time of such sale, and that in all instances a preference shall be given to the settlers on any lands that may be selected at the said minimum of the United States; provided that the settlers have cultivated or occupied the land three months previous to the donation.

Mr George moved that the House adjourn until to-morrow morning at 9 o'clock: which was lost. Yeas 28—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Acklen, Barclay, Brodnax, Brown, Clough, Conner, Cook, Coopwood, Dubose, Gayle, George, Harris, Herbert, Hickman, Hodges, Hogan, Horton, Kilpatrick, King of P. Lane, Lea, Moore of M. Riddle, Roberts, Sanders, Scott and Young.

Those who voted in the negative are messrs Baker, Boyd, Chiles, Clark, Coker, Dillahunty, Dillett, Durand, Everett, Faulk, Hall, Hogg, Hudson, Jackson, King of J. Langford, Lawler, Mardis, Massey, M'Collum, M'Vay, Metcalfe, Mobley, Moore of W. Murphree, Musgrove, Oliver, Philpot, Rather, Richardson, Ross, Rugeley, Shortridge, Taylor, Townsend, Walker, Ward and Williams.

Mr Oliver moved that the House adjourn until three o'clock this evening; which was lost. Yeas 30—Nays 38.

The yeas and nays being desired those who voted in the affirmative are messrs Baker Boyd Chiles Clark Coker Cunningham Dillahunty Durand Faulk Hogg Hudson Jackson King of J. Langford Lawler massey metcalfe mobley murphree musgrove Oliver Philpot Rather Riddle Richardson Rugeley Taylor Townsend Walker and Ward.

Those who voted in the negative are messrs Speaker Acklen Barclay Brodnax Brown Clough Conner Cook Coopwood Dubose Dillett Everett Gayle George Hall Harris Herbert Hickman Hodges Hogan Horton Kilpatrick King of P. Lane Lea mardis M'Collum M'Vay moore of M. moore of W. Roberts Ross Sanders Scott Shortridge Stephens Williams and Young.

Mr Gayle moved that the House adjourn: which was carried.

And then the House adjourned.

Wednesday, Dec. 22, 1830.—The House met at 9 o'clock A. M.

On a call of the House, the following members appeared and answered to their names, to wit:

Messrs Speaker, Brodnax, Chiles, Clough, Coker, Cook, Everett, Faulk, Hall, Hodges, Hogan, Hogg, Hudson, Jackson, King of P. Langford, Law-

ler, Massey, Metcalfe, Moore of W. Murphree, Oliver, Philpot, Riddle, Ross, Kugely, Townsend, Walker, Ward, Williams and Young.

When a quorum met, and the House proceeded to business.

Mr Lawler presented the petition of sundry citizens of the town of Montevallo, purchasers of lots situated in said town, praying relief; which was read and referred to the committee on education to consider and report thereon.

Mr Metcalfe presented the account of Garret Fitzgerald, sheriff of Marion county; which was read and referred to the committee on accounts to consider and and report thereon.

Mr Riddle presented the petition of sundry inhabitants of Greene county, praying to establish an election precinct therein named; which was read and referred to the committee on privileges and elections to consider and report thereon.

Mr Cook presented the petition of Vining Howard, sheriff of Covington county, praying the passage of a law explanatory of the law now in force on the subject of holding the general elections; which was read and referred to the committee on privileges and elections to consider and report thereon.

Mr Conner from the committee on divorce and alimony to whom was referred the petition of Aaron Lockhart of Dale county, together with the evidence and decree of the Circuit Court of said county, praying to be divorced from his wife Mary Lockhart, reported a bill to be entitled an act to divorce Aaron Lockhart from his wife Mary Lockhart; which was read and ordered to a second reading to-morrow.

Mr Lawler, from the committee on roads, bridges and ferries, to whom was referred a resolution instructing them to inquire into the expediency of appointing commissioners to lay out and mark the nearest and best way for a road to be opened, beginning at such point as they may deem proper on the main road leading from Tuscalooso to Huntsville so as to run to the Coosa river at Fort Williams, reported a bill to be entitled an act to appoint commissioners to mark and lay out a certain road therein named; which was read and ordered to a second reading to-morrow.

Mr Lawler introduced a bill to be entitled an act to change the route of the road leading from Montevallo to Selma; which was read and ordered to a second reading to-morrow.

Mr Dillett introduced a bill to be entitled an act to alter the times of holding the County Courts of Clarke, Monroe and Conecuh counties; which was read and ordered to a second reading to-morrow.

Mr Dillahunt introduced a bill to be entitled an act the better to provide for proceedings at law in cases of actions of trespass to try titles, of forcible entry and detainer, and unlawful detainer; which was read and ordered to a second reading to morrow.

Mr M'Collum offered the following resolution: *Resolved*, that with the concurrence of the Senate, the two Houses will assemble in the Representative Hall this day at twelve o'clock, for the purpose of electing a judge of the County Court for Fayette county, to fill the vacancy of Roddy Smith resigned. Mr Lawler moved to amend the resolution by striking out the words *to day*, to insert the words *to-morrow*; which was carried. The resolution as amended was then adopted. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Shortridge introduced a bill to be entitled an act to incorporate the president and trustees of the Tuscaloosa female academy; which was read and ordered to a second reading to-morrow.

A message from the Senate by Mr. Gayle: Mr Speaker—I am instructed by the Senate to inform you that they have read three several times and passed a bill entitled an act to regulate the licensing of retailers of spirituous liquors, and for other purposes, in the county of Baldwin and town of Blakely, in which they desire the concurrence of your honorable body.

The bill from the Senate entitled an act to regulate the licensing of retailers of spirituous liquors, and for other purposes, in the county of Baldwin and town of Blakely, was read and ordered to a second reading to-morrow.

Mr Dillahunty introduced a bill to be entitled an act for the punishment of such persons as wantonly and knowingly trespass upon lands belonging to others, by cutting and carrying away wood or timber therefrom, or cutting down and destroying the same; which was read and ordered to a second reading to-morrow.

On motion of Mr Hodges: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of reducing the number of Circuit Court Judges, on the organization of the separate Supreme Court.

Mr Hogg introduced a bill to be entitled an act to regulate loans of money from the State Bank, to the president and trustees of the University; which was read and ordered to a second reading to-morrow.

On motion of Mr Baker: *Resolved*, that the Rev. D. P. Bester be invited to preach in the Representative Hall on to-morrow evening at 6 o'clock.

Mr McCollum introduced a bill to be entitled an act to discontinue and establish certain election precincts therein named; which was read and order to a second reading to-morrow.

The House then proceeded to the consideration of the orders of the day.

The House resumed the consideration of the memorial from the Senate entitled, joint memorial asking a donation of lands to connect the waters of the Tennessee with those of the Coosa river by means of a canal. Mr Hudson moved that the further consideration of the memorial be postponed to the 1st day of March next.

And then the House adjourned until to-morrow morning 9 o'clock.

Thursday, Dec. 23, 1830.—The House met pursuant to adjournment.

Mr Hudson presented the account of Charles Lewin; which was read and referred to the committee on accounts.

Mr Brodnax presented the account of the jailor of Autauga county; which was read and referred to the committee on accounts.

Mr Conner presented the petition of sundry inhabitants of Marengo county, praying to discontinue and establish a certain election precinct therein named; which was read and referred to the committee on privileges and elections.

Mr Everett presented the petition of sundry merchants and citizens of Mobile, praying the passage of a law more effectually to prevent fraudulent transactions in the ginning, packing and selling of cotton; which was read and referred to a select committee to consist of messrs Everett, Harris and Taylor.

Mr Everett presented the petition of sundry citizens of the city of Mobile, praying the passage of a law to appoint William Pye, an auctioneer in said city; which was read and referred to the committee on propositions and grievances.

Mr Conner, from the select committee to whom was referred the petition of sundry citizens of Demopolis, reported a bill to be entitled an act to incorporate the town of Demopolis; which was read and ordered to a second reading to-morrow.

On motion of mr Taylor: *Ordered*, that mr Conner have leave of absence until Monday next.

A message from the Senate by mr Gayle: Mr Speaker—The Senate have read three several times and passed a bill which originated in the House of Representatives entitled an act to authorize Henry Brazleton, administrator of the estate of Joel Ledbetter, deceased, to convey a certain tract of land therein named. They have also read three several times and passed bills of the following titles, to wit: An act to authorize Wm. Reed, guardian of John Stephens, a minor, to sell and convey certain real estate; an act to establish a State road from Harpersville, in Shelby county, by Columbiana and Maplesville to Selma; an act to amend the laws in relation to private roads; an act to revive and continue in force so much of an act entitled an act to regulate the licensing physicians to practice, and for other purposes therein named, approved December 22d, 1823, as established a medical board in the city of Mobile; an act for the relief of Polly Caperton, wife of Hugh Caperton; an act to amend the laws prescribing the mode of obtaining the testimony of witnesses residing out of this State; an act incorporating the Florence academy in the town of Florence, Lauderdale county: and an act to compel county officers to pay over all public moneys they may receive; in all of which they desire the concurrence of your honorable body.

Bills from the Senate of the following titles, to wit: An act to authorize William Reed, guardian of John Stephens, a minor, to sell and convey certain real estate; an act to establish a State road from Harpersville, in Shelby county, by Columbiana and Maplesville to Selma; an act to amend the laws in relation to private roads; an act to revive and continue in force so much of an act entitled an act to regulate the licensing physicians to practice, and for other purposes therein named, approved December 22d, 1823, as established a medical board in the city of Mobile; an act for the relief of Polly Caperton, wife of Hugh Caperton; an act to amend the laws prescribing the mode of obtaining the testimony of witnesses residing out of this State; an act incorporating the Florence academy in the town of Florence, Lauderdale county, and an act to compel county officers to pay over all public moneys they may receive, were severally read and ordered to a second reading on to-morrow.

Mr King of J. introduced a bill to be entitled an act to add a part of Shelby county to the county of Jefferson; which was read and ordered to a second reading to-morrow.

Mr Hogg offered the following resolution: *Resolved*, that the members of this House convene at three o'clock on each day, the balance of this session, except good cause be shewn to the contrary, and that no new business be introduced, but that the orders of the day be taken up and attended to; which lies over one day.

On motion of mr Harris: *Resolved*, that the committee on propositions and grievances, be instructed to inquire into the expediency of regulating by law, the rates of wharfage in the city of Mobile, with leave to report by bill or otherwise.

Mr Roberts presented the petition of Winslow Foster, of the city of Mobile, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to a select committee to consist of messrs Roberts, Durand and Cook.

Mr Rugely introduced a bill to be entitled an act to change the time of holding the County Courts of Lowndes county; which was read and ordered to a second reading to-morrow.

Mr Hogg introduced a bill to be entitled an act to reduce the fees of the county surveyor of Tuscaloosa county; which was read and ordered to a second reading to-morrow.

On motion of Mr Everett: *Resolved*, that the committee on the State Capitol, be instructed to inquire and report to this House in what manner and on what authority the various rooms in the Capitol are occupied, to the end that it may be ascertained whether one of said rooms may not be appropriated as a deposite for the public arms.

On motion of Mr Conner, the House then proceeded to the consideration of the orders of the day.

The House then proceeded to the consideration of Mr Hudson's motion to postpone to the 1st day of March next, the memorial from the Senate asking a donation of lands to connect the waters of the Tennessee with those of the Coosa river by means of a canal; which was lost. Yeas 31—Nays 36.

The yeas and nays being desired, those who voted in the affirmative are, messrs Baker, Clough, Coker, Collins, Cook, Coopwood, Cunningham, Dubose, Dillahunty, Faulk, Gilbreath, Hodges, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of P. Lea, McCollum, McVay, Metcalfe, Moore of W. Oliver, Richardson, Ross, Rugeley, Townsend, Walker, Ward and Williams.

Those who voted in the negative are, messrs Speaker, Acklen, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Conner, Dillett, Durand, Everett, Gayle, George, Hall, Harris, Herbert, Hickman, Hogan, King of J. Langford, Lawler, Mardis, Massey, Moore of M. Murphree, Musgrove, Price, Rather, Riddle, Roberts, Sanders, Shortridge, Stephens, Taylor and Young.

Mr Acklin made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to authorize Henry Brazleton, administrator of the estate of Joel Ledbetter, deceased, to convey a certain tract of land therein named, which originated in this House.

Mr Baker moved a call of the House; which was carried; when the following members answered to their names, to wit:

Messrs Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Conner, Cook, Coopwood, Cunningham, Dubose, Dillahunty, Dillett, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of P. Langford, Lawler, Lea, Mardis, Massey, McCollum, McVay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Price, Rather, Riddle, Richardson, Roberts, Ross, Rugeley, Sanders, Shortridge, Stephens, Taylor, Townsend, Walker, Ward, Williams and Young.

The memorial from the Senate asking a donation of lands to connect the waters of the Tennessee with those of the Coosa river, by means of a canal, lies over for one hour.

On motion of Mr Gayle: The House took into consideration the engrossed bill entitled an act to organize a separate Supreme Court. It was read a third time. Mr Baker moved to lay the bill on the table; which was lost. Mr Gayle moved to fill the blank in 4th section of the bill with the words "two thousand; which was lost. Yeas 20—Nays 49.

The yeas and nays being desired those who voted in the affirmative are, messrs Speaker, Acklen, Baker, Chiles, Conner, Dillett, Durand, Everett, Gayle, Gilbreath, Herbert, Hickman, Hogan, Mobley, Riddle, Richardson, Roberts, Shortridge, Taylor and Young.

Those who voted in the negative are messrs Barclay, Boyd, Brodnax, Brown, Clark, Clough, Coker, Collins, Cook, Coopwood, Cunningham, Dubose, Dillahunty, Faulk, George, Hall, Harris, Hodges, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, McCollum,

M'Vay, Metcalfe, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Price, Rather, Ross, Rugely, Sanders, Stephens, Townsend, Walker, Ward and Williams.

Mr Clark moved to fill the blank with the words "seventeen hundred and fifty;" which was carried. Yeas 36—Nays 33.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Acklen, Baker, Barclay, Brodnax, Chiles, Clark, Collins, Conner, Dobose, Dillahunty, Dillett, Durand, Everett, Gayle, George, Gilbreath, Herbert, Hickman, Hogan, Hegg, King of J. Lane, Lawler, Mardis, Mobley, Moore of M. Price, Riddle, Richardson, Roberts, Sanders, Shortridge, Taylor, Williams and Young.

Those who voted in the negative are messrs Boyd, Brown, Clough, Coker, Cook, Coopwood, Cunningham, Faulk, Hall, Harris, Hodges, Horton, Hudson, Jackson, Kilpatrick, King of P. Langford, Lea, Massey, McCollum, M'Vay, Metcalfe, Moore of W. Murphree, Musgrove, Oliver, Rather, Ross, Rugely, Stephens, Townsend, Walker and Ward.

Mr Hodges moved to amend the bill by way of the following engrossed ryder, by way of section. *And be it further enacted* that this act shall not take effect till from and after the first day of November, 1833. Mr Clark then called for the previous question. The previous question was then demanded by a majority of the members present, when the said previous question was put, viz: Shall the main question be now put? and passed in the affirmative. The main question was on the passage of the bill, and the question being put, Shall this bill pass? it was determined in the affirmative. Yeas 35—Nays 34.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Acklen, Baker, Barclay, Chiles, Clark, Collins, Conner, Dobose, Dillett, Durand, Everett, Gayle, George, Gilbreath, Herbert, Hickman, Hogan, Hegg, King of J. Lane, Lawler, Lea, Mardis, Mobley, Moore of M. Price, Riddle, Richardson, Roberts, Sanders, Shortridge, Williams, Taylor, and Young.

Those who voted in the negative are messrs Boyd, Broadnax, Brown, Clough, Coker, Cook, Coopwood, Cunningham, Dillahunty, Faulk, Hall, Harris, Horton, Hudson, Jackson, Kilpatrick, King of P. Langford, Massey, McCollum, M'Vay, Metcalfe, Moore of W. Murphree, Musgrove, Oliver, Rather, Ross, Rugely, Stephens, Townsend, Walker, and Ward.

The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence. Mr Gayle moved that the bill be forthwith sent to the Senate; which was carried.

The bill from the Senate entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State, being under consideration, Mr Clark moved to postpone the further consideration of the bill to Monday next, and that it be made the special order of the day for that day. A division of the question being called for, the vote was first taken on postponement, and carried; the vote was then taken on the special order, and carried.

The bill from the Senate entitled an act to fix the seat of justice in Clarke county, was read a second time. Mr Mobley moved to amend the bill by striking out all of the first section after the enacting clause, with the view to insert another in lieu thereof; which was carried. Mr Mobley then offered the following other amendments, viz: In the 3d section, strike out the word "five," and insert the word "three;" in the third section and eight line, insert after the word "lands," *after selecting lots for public buildings*; in the 6th section and first line, insert between the words "the and county," *judge of the*; in the second line of same section, after the word "county," insert *and commissioners of roads and revenue*; in the 7th section, strike out the words "and honest;" in all of which several amendments the House concurred. And the rule requiring bills to be

read on three several days being dispensed with, it was then read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The House resumed the consideration of the memorial from the Senate, asking a donation of lands to connect the waters of the Tennessee with those of the Coosa river, by means of a canal. It was read a third time. Mr Roberts moved for the previous question; which was lost. Yeas 23—Nays 42.

The yeas and nays being desired those who voted in the affirmative are messrs Boyd, Chiles, Clark, Conner, Dillett, Durand, Everett, Gayle, George, Herbert, Hogan, King of J. Langford, Lawler, Mardis, Moore of M. Murphree, Musgrove, Riddle, Roberts, Saabridge, Taylor and Young.

Those who voted in the negative are messrs Speaker, Acklen, Baker, Barclay, Brodnax, Brown, Clough, Coker, Collins, Cook, Coopwood, Dubose, Faulk, Gilbreath, Hall, Harris, Hickman, Hodges, Hogg, Horton, Hudson, Jackson, King of P. Lane, Lea, McCollum, McVay, Metcalfe, Mobley, Moore of W. Oliver, Price, Rather, Richardson, Ross, Rugeley, Sanders, Stevens, Townsend, Walker, Ward and Williams.

The question was then on the adoption of mr Coopwood's amendment.

Mr Brodnax moved that the House adjourn until to-morrow morning at 9 o'clock; which was lost.

The question recurred on the adoption of mr Coopwood's amendment, and carried. Yeas 36—Nays 34.

The yeas and nays being desired those who voted in the affirmative are, messrs Baker, Brodnax, Clough, Coker, Collins, Cook, Coopwood, Cunningham, Dubose, Dillahunty, Everett, Faulk, Gayle, Gilbreath, Hodges, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of P. Lane, Lea, McVay, Metcalfe, Mobley, Moore of W. Oliver, Richardson, Ross, Rugely, Sanders, Townsend, Walker, Ward and Williams.

Those who voted in the negative are, messrs Speaker, Acklen, Barclay, Boyd, Brown, Chiles, Clark, Conner, Dillett, Durand, George, Hall, Harris, Herbert, Hickman, Hogan, King of J. King of M. Langford, Lawler, Mardis, McCollum, Moore of M. Murphree, Musgrove, Price, Rather, Riddle, Roberts, Saabridge, Stephens, Taylor and Young.

Mr Baker offered the following amendment: Your memorialist would further represent unto your honorable body, that beneficial as the contemplated canal would prove to the State of Alabama, the advantages to Tennessee, Georgia, North-Carolina and Virginia, will be much greater. Should the donation asked for be made, justice would demand that it be made to those States in conjunction with Alabama. This would be necessary in the event that any considerable degree of expense should accrue for the keeping in repair the contemplated improvements, which should be proportionably defrayed by those States. Another reason is, that in the event of a division of the surplus revenue among the States, this amount of land would be charged to the account of the State of Alabama, which in fact it should be charged to the States before mentioned, in equal proportion. Your memorialists would further represent unto your honorable body, that although the contemplated canal is anxiously desired by a particular portion of this State, yet the future prosperity of individual settlers is decidedly more so. Your memorialists would therefore request your honorable body to so pass the law making the donation, as to empower the State of Alabama to dispose of the lands which may be occupied, to the occupants at one dollar and twenty five cents per acre, and that the auction system shall not be adopted. And your memorialists would request your honorable body to so amend the act admitting Alabama into the Union, as to allow her to charge toll on the canal when completed.

Mr Baker moved that the House now adjourn until to-morrow morning at 9 o'clock; which was lost. Yeas 18—Nays 51.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker, Brodnax, Clough, Cook, Coker, Collins, Cunningham, Dubose, Gilbreath, Hogg, Horton, Jackson, Lane, Lea, Oliver, Rugeley, Townsend and Ward.

Those who voted in the negative are messrs Speaker, Acklen, Barclay, Boyd, Brown, Chiles, Clark, Conner, Coopwood, Dillahunt, Dillett, Durand, Everett, Faulk, Gayle, George, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hudson, Kilpatrick, King of J. King of M. Langford, Lawler, Mardis, Massey, McCollum, M'Vay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Price, Rather, Riddle, Richardson, Roberts, Ross, Sanders, Shortridge, Stephens, Taylor, Walker, Williams and Young.

The previous question was called for by mr Clark: The previous question was then demanded by a majority of the House, when the said previous question was put, viz: Shall the main question be now put? and passed in the affirmative.

Mr Mobley moved a call of the House. Mr Speaker decided that the motion was out of order, inasmuch as there had been one call during the day on the subject now under consideration. From which decision mr Mobley appealed, and the decision of mr Speaker was sustained by the House. And the main question was on the adoption of the memorial, and carried. Yeas 35—Nays 33.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Acklen, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Conner, Dillett, Durand, Everett, Gayle, George, Hall, Harris, Herbert, Hickman, Hogan, King of J. King of M. Langford, Lawler, Mardis, Massey, Moore of M. Murphree, Musgrove, Price, Riddle, Roberts, Sanders, Shortridge, Taylor and Young.

Those who voted in the negative are messrs Baker, Clough, Coker, Collins, Cook, Coopwood, Cunningham, Dubose, Dillahunt, Faulk, Gilbreath, Hodges, Hogg, Horton, Hudson, Jackson, Kilpatrick, Lane, McCollum, M'Vay, Metcalfe, Mobley, Moore of W. Oliver, Rather, Richardson, Ross, Rugeley, Townsend, Walker, Ward and Williams.

So the memorial was adopted as amend. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Mobley moved to reconsider the vote given on the passage of the bill entitled an act to organize a separate Supreme Court.

Mr Mobley moved to reconsider the vote given to carry the bill entitled an act to organize a separate Supreme Court forthwith, to the Senate.

Mr Mardis moved that the House adjourn until to-morrow morning at 9 o'clock; which was carried. Yeas 37—Nays 31.

The yeas and nays being desired those who voted in the affirmative are messrs Speaker Acklen Boyd Brodnax Chiles Clark Collins Conner Dillett Durand Everett Gayle George Gilbreath Herbert Hickman Hogan Hogg King of J. King of M. Lane Lawler Lea mardis moore of M. murphree musgrove Price Rather Riddle Richardson Roberts Sanders Shortridge Taylor Williams and Young.

Those who voted in the negative are messrs Baker Barclay Brown Clough Coker Cook Coopwood Cunningham Dubose Dillahunt Faulk Hall Harris Hodges Horton Hudson Jackson Kilpatrick Langford massey McCollum M'Vay metcalfe mobley moore of W. Oliver Ross Rugeley Townsend Walker and Ward.

And then the House adjourned.

Friday, Dec. 24, 1830.—The House met pursuant to adjournment.

Mr Ross presented the petition of sundry inhabitants of Clark and Marengo counties, praying the passage of a law to appoint commissioners to review the contemplated road between Tuscaloosa and the city of Mobile, and that said commissioners may be authorized to lay out a new road, if deemed necessary for the public good, between the town of Greensborough and Thomas Hosea's, in Marengo county; which was read and referred to the committee on roads, bridges and ferries.

Mr Conner presented the petition of sundry inhabitants of Marengo county, for, and in behalf of Benjamin Legan, late a soldier in the war; which was read and referred to the committee on ways and means, to consider and report thereon.

On motion of Mr Young: *Ordered*, that Mr King of P. have leave of absence until Monday next.

Mr Durand, from the select committee to which was referred the bill from the Senate entitled an act to repeal in part and amend an act entitled an act establishing schools in the county of Mobile, reported sundry amendments by striking out all after the first section, and by substituting sundry other sections; which was concurred in by the House. The bill was then ordered to a third reading to-morrow.

Mr Richardson, from the select committee to whom was referred the preamble and joint resolutions in favour of the continuance of the transportation of the mail on Sunday, reported a substitute in lieu thereof; which was adopted. The resolutions as amended, were then adopted by the House.

Mr Hudson offered the following resolution: *Resolved*, that with the concurrence of the Senate the two Houses will assemble in the Representative Hall, on Tuesday next, at the hour of twelve o'clock, for the purpose of going into the election of the President and Directors of the Bank of the State of Alabama. Mr Clark moved to amend the resolution, by striking out the word 'Tuesday,' to insert the word *Friday*. Mr Hodges moved to lay the resolution on the table; which was lost. The question recurred on Mr Clark's amendment, and carried. The resolution was adopted. *Ordered*, that the Clerk acquaint the Senate therewith.

Mr Clough introduced a bill to be entitled an act to repeal certain acts therein named; which was read and ordered to a second reading to-morrow.

On motion of Mr Mobley; *Resolved*, that the judiciary committee be instructed to inquire into the expediency of authorizing by law Sheriffs to take and approve bonds for the appearance of defendants taken under a writ of *capias* for misdemeanors.

Mr Richardson called up the bill entitled an act to amend the laws now in force in this State for the relief of insolvent debtors, for the purpose of placing it amongst their orders of the day; which was carried.

Mr Dillahunty introduced a bill to be entitled an act to establish an Office of Discount and Deposit of the Bank of the State of Alabama at —; which was read and ordered to a second reading to-morrow.

Mr Mobley offered the following preamble and resolution: Whereas, it was intended by the General Assembly of the State of Alabama, that the accommodation extended by the Bank of the State should be equally distributed among the citizens thereof—And whereas, also, the sum allotted to each Representative by said Bank, was apportioned while a large portion of the county of Clarke lying west of the Alabama river composed a part of Monroe county—Now, that equal justice may be done the citizens of Clarke and Monroe counties, *Be it resolved by the Senate and House of Representatives*, that in their opinion all accommodation extended to the citizens of that part of Clarke county which at the time of the last apportionment composed a part of Monroe county by the Bank of the State, be changed by said Bank to the county of Monroe; which was read. Mr Coopwood moved to lay the resolution on the table; which was carried.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have instructed me to inform you, that they have read three several times and passed a bill entitled an act to incorporate the Franklin Institute of Tuscaloosa; in which they desire the concurrence of your honorable body.

The bill from the Senate entitled an act to incorporate the Franklin Institute of Tuscaloosa, was read and ordered to a second reading to-morrow.

Mr Durand offered the following resolution: *Resolved*, that a special committee be appointed to consider and report to this House what business there is before it of a local or private nature; and that the same be reported to the House for its par-

ticular consideration at afternoon's sitting of the House during the remainder of the session. Mr Mobley moved that it lie on the table; which was carried.

Mr Mobley called up the message of His Excellency the Governor, dated 1st December inst. which was referred to the committee on roads, bridges, and ferries to consider and report thereon.

Mr M'Vay offered the following resolution: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of reducing the taxes on each item of taxation one fourth; with leave to report by bill or otherwise. Mr Coopwood moved that the resolution be indefinitely postponed; which was carried.

Mr Roberts, from the select committee to which was referred the petition of Winslow Foster, reported a bill to be entitled an act authorizing Winslow Foster, of the county of Mobile, to emancipate a certain female slave therein named; which was read. Mr Roberts asked leave to withdraw the bill and report; which was granted. Mr Roberts then presented the petition of Winslow Foster, of the county of Mobile, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to the committee on propositions and grievances.

Mr Mobley, who voted in the majority on Mr Gayle's motion to carry the bill entitled an act to organize a separate Supreme Court forthwith to the Senate, moved to reconsider the vote; which was lost. Yeas 28, nays 37.

The yeas and nays being desired, those who voted in the affirmative are, messrs Baker, Brown, Clough, Coker, Cook, Coopwood, Cunningham, Faulk, Harris, Hodges, Horton, Hogg, Hudson, Jackson, Kilpatrick, Langford, Massey, M'Collum, M'Vay, Metcalfe, Mobley, Moore of W. Oliver, Ross, Rugeley, Townsend, Walker and Ward.

Those who voted in the negative are, messrs Speaker, Acklen, Brodnax, Chiles, Clark, Collins, Conner, Dubose, Dillahunty, Dillitt, Durand, Everett, Gayle, George, Gilbreath, Hall, Herbert, Hickman, Hogan, King of J. Lane, Lawler, Lea, Mardis, Moore of M. Morphree, Musgrove, Price, Rather, Riddle, Richardson, Roberts, Sanders, Shortridge, Taylor, Williams and Young.

Mr Gayle moved to expunge from the Journal Mr Mobley's motion to reconsider the vote taken upon the passage of the bill entitled an act to organize a separate Supreme Court; which was carried.

Mr Sanders, who voted in the majority on the adoption of the memorial, entitled joint memorial asking a donation of lands to connect the waters of the Tennessee with those of the Coosa river, by means of a canal, moved to reconsider the vote; which was carried. Yeas 38—Nays 28.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Baker, Barclay, Brodnax, Clough, Coker, Collins, Cook, Coopwood, Cunningham, Dubose, Dillitt, Faulk, George, Gilbreath, Herbert, Hodges, Hogg, Hudson, Jackson, Kilpatrick, Lane, Lea, M'Collum, M'Vay, Metcalfe, Mobley, Moore of W. Oliver, Richardson, Ross, Rugely, Sanders, Stephens, Townsend, Ward, Walker and Williams.

Those who voted in the negative are, messrs Acklen, Brown, Chiles, Clark, Conner, Dillahunty, Durand, Everett, Gayle, Hall, Harris, Hickman, Hogan, Horton, King of J. Lawler, Mardis, Massey, Moore of M. Morphree, Musgrove, Price, Rather, Riddle, Roberts, Shortridge, Taylor and Young.

Mr Gayle moved to postpone the further consideration of the memorial, and make it the special order of the day for Tuesday next; which was carried.

Ordered, that messrs Clark and Boyd have leave of absence until Tuesday next.

On motion of Mr M'Collum: *Resolved*, that the committee on roads, bridges and ferries be instructed to inquire into the expediency of passing a law to prevent shooting at targets on public highways, with leave to report by bill or otherwise.

Ordered, that Mr King of J. have leave of absence until Tuesday next. The House proceeded to the orders of the day.

The bill entitled an act making an appropriation for the payment of the members and officers of the present general assembly, was read a second time. Mr Coopwood moved that the bill lie on the table; which was lost. Mr Gayle moved that the rule requiring bills to be read on three several days be dispensed with, that the bill be considered as engrossed, and read a third time forthwith; which was carried. It was then read a third time forthwith, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill from the Senate entitled an act making further appropriations for selling the University lands, being under consideration, Mr Coopwood moved that the further consideration of the bill be postponed, and made the special order of the day for Wednesday next; which was carried.

The bill entitled an act for the support of paupers in the county of Limestone, was read a second time and referred to a select committee, to consist of messrs Sanders, Coopwood, Richardson and Lane.

The bill entitled an act to incorporate the Somerville Academy, in Morgan county, was read a second time. Mr Rather moved to amend it by adding after the word "morrow," the words *James B. Graham and Jonathan L. Owen*;" which was carried. The bill was then ordered to be engrossed for a third reading to-morrow.

The bill entitled an act more fully to compel the speedy service of warrants issued by justices of the peace in civil cases, was read a second time and referred to the judiciary committee.

Bills of the following titles, to wit: An act to incorporate the town of Hayneville; an act for the relief of John S. Bailey; and an act for the relief of Philomon Waters, were severally read a second time, and ordered to be engrossed for a third reading on to-morrow.

Bills of the following titles, to wit: An act to limit the return of executions issued from the Orphan's Court; and an act to amend the act regulating judicial proceedings, were severally read a second time, and the rule requiring bills to be read on three several days being dispensed with, they were considered as engrossed, and read a third time forthwith and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The joint resolution declaring the tenure of clerks after a vacancy in the office shall have happened by the former incumbent failing to give bond or otherwise, was read a second time and referred to the judiciary committee.

The bill from the Senate entitled an act supplemental to an act entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and for other purposes, was read a second time and referred to a select committee to consist of messrs Moore of M. Hudson and Sanders.

The joint resolution from the Senate requiring the Secretary of State, Comptroller of Public Accounts or Treasurer of the State, to administer the oaths of office to the members of the General Assembly, was read a second time, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act to prevent the citizens of this

State from being sued in civil cases before any justice of the peace, out of the beat in which they may respectively reside, was read a third time.—
Mr Everett moved to amend the bill by way of the following engrossed ryder: *Provided*, that nothing in this act contained, shall have force or effect in the county of Mobile; which was adopted. **Mr Mardis** moved to amend the bill by way of the following engrossed ryder: *Provided further*, that the provisions of this act shall not be construed to extend to the counties of Shelby, Clarke, Franklin and Baldwin. The previous question was called for by **Mr Cook**. The previous question was then demanded by a majority of the members present, when the said previous question was put, viz: Shall the main question be now put? and passed in the affirmative. The main question was on the passage of the bill; and the question being put, Shall this bill pass? it was determined in the affirmative. Yeas 40—Nays 23.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Baker, Brodnax, Brown, Clough, Coker, Collins, Conner, Cook, Coopwood, Cunningham, Dubose, Dillahanty, Everett, Faulk, Gayle, George, Hall, Harris, Herbert, Hickman, Hogan, Hogg, Jackson, Kilpatrick, Lane, Lea, Massey, M'Collum, M'Vay, Moore of W. Murphree, Oliver, Ross, Rugeley, Shortridge, Stephens, Tylor, Townsend, Ward and Williams.

Those who voted in the negative are, messrs Speaker, Acklen, Barclay, Chiles, Dillett, Gilbreath, Hodges, Horton, Hudson, King of M. Lawler, Mardis, Metcalfe, Mobley, Moore of M. Musgrove, Rather, Riddle, Richardson, Roberts, Sanders, Walker and Young.

Mr Gayle amended the title of the bill as follows: To regulate trials before justices of the peace; which was adopted. The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill entitled an act to repeal an act entitled an act to establish a board of internal improvement for the State of Alabama, was read a second time. **Mr Lea** moved to refer the bill to the committee on inland navigation. **Mr King of J.** moved that the committee be instructed to inquire into the qualifications of the engineer appointed, or to be appointed by the board. A division of the question being called for, the vote was first taken on the reference, and carried. The vote was then taken on the instructions, and lost. **Mr Mobley** moved to suspend the 42nd rule; which was lost: There not being a majority of two thirds voting in favor of the suspension. Yeas 36—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Baker Barclay Brodnax Collins Conner Dubose Dillett Durand Everett Gayle George Gilbreath Hall Harris Herbert Hodges Hogan Horton King of M. Lane Lea Mobley Moore of M. Price Rather Riddle Roberts Ross Rugely Sanders Stephens Taylor Williams and Young.

Those who voted in the negative are messrs Brown Chiles Clough Coker Cook Coopwood Cunningham Faulk Hickman Hogg Hudson Jackson Kilpatrick King of J. Langford Lawler Mardis Massey M'Collum M'Vay Metcalfe Moore of W. Murphree Musgrove, Oliver Richardson Shortridge Townsend Walker and Ward.

Mr Taylor offered the following resolution: *Resolved*, that a select committee to consist of nine members be appointed to examine into the qualifications of the persons employed by the board of internal improvement, as civil engineers for this State, and that the president and members of the board of internal improvement be informed of the time and place of the sitting of said committee, and that they may attend and allege such matters in justification of **Mr Nichols**, as engineer of said board, as they may deem expedient. **Mr Hudson** moved that the resolution be indefinitely postponed; which was carried. Yeas 38—Nays 25.

The yeas and nays being desired those who voted in the affirmative are, messrs Speaker Acklen Barclay Chiles Collins Conner Coopwood Dillahunty Durand Gayle George Harris Hickman Hodges Hogan Hogg Horton Hudson Jackson Kilpatrick King of M. Lane Lawler Lea Mardis Massey M'Collum Metcalfe Mobley Moore of M. Moore of W. Rather Riddle Richardson Sanders Townsend Walker and Williams.

Those who voted in the negative are, messrs Baker Brodnax Brown Clough Coker Cunningham Dillett Everett Faulk Gilbreath Hall Herbert Langford M'Vay Murphree Musgrove Oliver Price Roberts Ross Rugely Shortridge Stephens Taylor and Ward.

Mr Harris moved that the House adjourn until Monday morning at 9 o'clock. Mr Speaker decided the motion to be out of order; but the House overruled the decision and adjourned until Monday morning at 9 o'clock.

Monday, Dec. 27, 1830.—The House met pursuant to adjournment.

Mr Gilbreath presented the petition of William J. Price and Daniel Clayton, praying compensation for apprehending Samuel Evans, a horse thief; which was read and referred to the committee on propositions and grievances to consider and report thereon.

Mr Sanders presented the petition of William Price, of Limestone county, praying the passage of a law to authorize him to enter a quarter section of land therein named; which was read and referred to the committee on lands appropriated for internal improvement.

Mr Durand presented the account of Theophilus L. Toulmin, sheriff of Mobile county; which was read and referred to the committee on accounts to consider and report thereon.

On motion of mr Brodnax: *Ordered*, that mr Hall have leave of absence until Monday next.

Mr Rather presented the petition of sundry inhabitants of Morgan county, praying the passage of a law to authorize John D. Willie, to erect a water grist mill on Flint river; which was read and referred to the representation from the counties of Morgan and Madison.

Mr Moore of M. presented a petition on the same subject; which was read and referred to the same committee.

Mr Baker moved to call up the report made by a select committee on the tariff, and make it the special order of the day for Tuesday next; a division of the question being called for, the vote was first taken on calling up the report, and carried; the vote was taken on the special order, and carried.

Mr Jackson offered the following resolution: *Resolved*, that with the concurrence of the Senate, the two Houses will adjourn *sine die* on the eighth day of January next. Mr Williams moved that the resolution lie on the table; which was carried.

The House then proceeded to the consideration of the orders of the day.

The House resumed the consideration of the bill from the Senate entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State being under consideration, the question was to concur in the report and adopt the substitute; which was carried.

Mr Lawler moved to postpone the further consideration to to-morrow; which was lost. Mr Musgrove moved the following amendment: Strike out all after the word "of," in the 4th line of the 2d section, to the word "beginning," in the 15th line of the same section, "Short creek, thence up said creek east of Edward Cox's, from thence northwardly along the summit of the Racoon mountain to the Georgia line, thence along said line to

the Tennessee river from thence down said river to the aforesaid;" which was adopted. Yeas 35—Nays 23.

The yeas and nays being desired those who voted in the affirmative are, messrs Speaker, Brodnax, Chiles, Clough, Coker, Coopwood, Dillahunty, Everett, Faulk, Harris, Herbert, Hodges, Hogg, Horton, Hudson, Jackson, Lane, Langford, Massey, M'Collum, M'Vay, Moore of W. Morphree, Musgrove, Oliver, Philpot, Rather, Richardson, Roberts, Ross, Taylor, Townsend, Ward, Williams and Young.

Those who voted in the negative are messrs Acklen, Baker, Barclay, Brown, Collins, Cunningham, Durand, George, Gilbreath, Hickman, Kilpatrick, Lawler, Lea, Mardis, Metcalfe, Moore of M. Price, Riddle, Rugely, Sanders, Shortridge, Stephens and Walker.

Mr Musgrove moved the following amendment: Strike out all after the word "to" in the 5th line of the 3d section to the word "shall" in the 7th line of the same section, "where said creek empties into the Tennessee river, thence up said river with its meanderings to the mouth of Short creek, from thence up said creek to its source, thence east of Edward Cox's to the present boundary line of Blount county; which was adopted.

Mr Rather moved to amend the 4th section by striking out the word "southwestwardly" to insert "northwestwardly;" which was carried.

Mr Rather moved to amend the 11th section with the following: "in the fourth line after the word 'any' and before the word person, insert "white" which was lost.

Mr Mardis moved to amend the 14th section by striking out the word "nine" to insert the word "seven" or the figure "9" to insert the figure "7" which was carried.

Mr Dillett moved to strike out the 14th section. Mr Baker offered the following amendment to the 14th section: "so far as relates to suits brought by white men against Indians; which was adopted. Yeas 35—Nays 25.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Baker, Barclay, Brodnax, Chiles, Collins, Cunningham, Dillett, Durand, Everett, Gilbreath, Harris, Herbert, Hodges, Hogan, Horton, Jackson, Kilpatrick, Lane, Lawler, Mardis, Morphree, Oliver, Philpot, Price, Rather, Richardson, Roberts, Ross, Stephens, Taylor, Townsend, Walker, Ward and Young.

Those who voted in the negative are messrs Acklen, Brown, Clough, Coker, Cook, Coopwood, Dillahunty, Faulk, Hickman, Hudson, King of M. Langford, Lea, Massey, M'Collum, M'Vay, Metcalfe, Moore of M. Moore of W. Musgrove, Riddle, Rugely, Sanders, Shortridge and Williams.

Mr Dillett moved to strike out the 14th section; which was carried. Yeas 38.—Nays 22.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen, Brown, Clough, Coker, Cook, Coopwood, Dillahunty, Dillett, Everett, Faulk, Harris, Hickman, Hodges, Hudson, Kilpatrick, King of M. Langford, Lea, Massey, M'Collum, M'Vay, Metcalfe, Moore of M. Moore of W. Morphree, Musgrove, Philpot, Riddle, Roberts, Ross, Rugely, Sanders, Shortridge, Taylor, Townsend, Walker, Ward and Young.

Those who voted in the negative are messrs Speaker, Baker, Barclay, Brodnax, Chiles, Collins, Cunningham, Durand, Gilbreath, Herbert, Hogan, Horton, Jackson, Lane, Lawler, Mardis, Oliver, Price, Rather, Richardson, Stephens, and Williams.

Mr Musgrove offered the following in lieu of the 14th section: Sec. 14. *And be it further enacted*, That any Indian suing for any contract, shall prove the same by some competent white witness, and that no Indian shall in any case or cause, be allowed his or her evidence, unless they or either of them can satisfactorily answer such interrogatories as may be proposed by the Court. Mr Baker moved to amend the amendment by striking out all after the word "That" with the view to insert the follow-

ing: "no Indian shall be permitted to give evidence before the court where a white person is a party, unless the court is satisfied upon examination, that said Indian is duly impressed with the solemn obligation of an oath; and any law preventing Indian testimony under the above restrictions be, and the same is hereby repealed." A division of the question being called for, the vote was first taken on striking out, and carried; the vote was then taken on Mr Baker's amendment, and lost. Yeas 20—Nays 38.

The yeas and nays being desired those who voted in the affirmative are, messrs Speaker, Baker, Barclay, Brodnax, Chiles, Collins, Gilbreath, Harris, Herbert, Hogan, Horton, Lane, Lawler, Mardis, M'Vay, Moore of M. Oliver, Price, Richardson and Stephens.

Those who voted in the negative are, messrs Acklen, Brown, Clough, Coker, Cook, Coopwood, Cunningham, Dillett, Durand, Everett, Faulk, Hickman, Hodges, Hudson, Jackson, King of M. Langford, Lea, Massey, M'Collum, Metcalfe, Moore of W. Murphree, Musgrove, Philpot, Rather, Riddle, Roberts, Ross, Rugely, Sanders, Shortridge, Taylor, Townsend, Walker, Ward, Williams and Young.

Mr Philpott offered the following amendment to Mr Musgrove's as the 14th section, that no debts contracted after this law takes effect, shall be collected from any Indian at the suit of any citizen of this State, unless the debt claimed is due by writing signed by the party to be charged, and attested by some white witness; neither shall any Indian recover any debt from any citizen unless the same sued for is due, signed and attested as aforesaid; *provided*, that in suits where Indians are parties on both sides, the rules of evidence shall be the same as regards white citizens; which was adopted. Mr Baker offered the following proviso: "*Provided*, that in all actions of trespass by an Indian against a white man, Indian testimony shall be allowed, if the court upon examination, shall adjudge the witness entitled to credit, any law to the contrary notwithstanding." Mr Philpott moved to amend Mr Baker's amendment with the following, to come in after the word "trespass," to recover damages for an injury done to the property; which was lost. The question recurred on Mr Baker's amendment, and carried. The question recurred on the amendment, and lost. Mr Everett offered the following amendment: Strike out the 14th section with the view to insert the following: "Sec. 14. *And be it further enacted*, That no action of debt on assumpsit shall after the first day of August next, be sustained by any white man against an Indian or Indians against a white man, in any court of justice of this State." Mr Taylor offered the following proviso: "*Provided*, that nothing herein contained shall prevent the collection of all debts contracted before the first of August next;" which was carried. Yeas 30—Nays 27.

The yeas and nays being desired those who voted in the affirmative are messrs Speaker, Acklen, Chiles, Coker, Cook, Cunningham, Dillett, Everett, George, Harris, Herbert, Hickman, Hodges, Hogan, Kilpatrick, King of M. Lea, M'Vay, Metcalfe, Moore of M. Moore of W. Philpot, Rather, Riddle, Richardson, Roberts, Ross, Taylor, Williams and Young.

Those who voted in the negative are messrs Baker, Barclay, Brodnax, Brown, Clough, Collins, Dillahunt, Durand, Faulk, Gilbreath, Horton, Hudson, Jackson, Langford, Lawler, Mardis, Massey, M'Collum, Murphree, Musgrove, Oliver, Price, Rugeley, Stevens, Townsend, Walker and Ward.

The question was on Mr Everett's amendment as amended, and lost. Yeas 25—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Chiles, Cook, Coopwood, Cunningham, Dillett, Everett, Herbert, Hickman, Hodges, Kilpatrick, Lea, M'Vay, Metcalfe, Moore of W. Philpot, Rather, Riddle, Richardson, Roberts, Shortridge, Taylor, Walker, Williams and Young.

Those who voted in the negative are, messrs Acklen, Baker, Barclay, Brodnax,

Brown, Clough, Coker, Collins, Dillahunty, Durand, Faulk, George, Gilbreath, Harris, Hogan, Horton, Hudson, Jackson, King of M. Langford, Lawler, Mardis, Massey, McCollum, Moore of M. Marphree, Mosgrove, Oliver, Price, Ross, Rugely, Sanders, Stephens, Townsend and Ward.

Mr Baker moved that the House adjourn; which was carried.

And then the House adjourned.

Tuesday, Dec. 28, 1830.—At 9 o'clock A. M. the House met.

Mr Hudson moved a call of the House, when the following members answered to their names, to wit:

Messrs Speaker, Barclay, Boyd, Brown, Chiles, Clough, Coker, Collins, Cook, Dubose, Dillahunty, Dillett, Everett, Faulk, Gilbreath, Herbert, Hickman, Hogan, Hogg, Hudson, Jackson, King of P. Lane, Langford, Lawler, Moore of W. Musgrove, Oliver, Philpot, Price, Rather, Riddle, Ross, Rugely, Stephens, Taylor, Townsend, Walker and Ward.

A message from the Senate by Mr Gayle: Mr Speaker—I am instructed by the Senate to inform you that they concur in the several amendments made by your honorable body to a bill which originated in their House, entitled an act to prevent the citizens of this State from being sued in civil cases before any justice of the peace out of the beat in which they may respectively reside; they have concurred in the resolution adopted by your honorable body, which is as follows: *Resolved*, that with the concurrence of the Senate, the two Houses will assemble in the Representative Hall tomorrow at 12 o'clock, for the purpose of electing a judge of the County Court of Fayette county, to fill the vacancy of Roddy Smith, resigned, and have amended the same by striking out the words "to-morrow" and inserting in lieu thereof the words "on Saturday the first of January;" also by adding to the end of the resolution the words "and two trustees of the university from each judicial circuit in this State;" in which amendments they ask the concurrence of your honorable body. They have also read three several times and passed a bill entitled an act to amend an act entitled an act to alter and amend the charter of incorporation of the city of Mobile, in which they ask the concurrence of your honorable body.

Ordered, that the House concur in the amendments made by the Senate to said resolution.

The bill from the Senate entitled an act to amend an act entitled an act to alter and amend the charter of incorporation of the city of Mobile, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and referred to a select committee, consisting of messrs Everett, Durand, Roberts and Harris.

A message was received from the Governor by James I. Thornton.

EXECUTIVE DEPARTMENT, *December 27, 1830.*

To the Hon. the Speaker and Members of the House of Representatives.

GENTLEMEN: I have received from the War Department three boxes of the infantry tactics, including exercises and manœuvres of light infantry and riflemen, adopted by an act of Congress, for the use of the militia of the United States. I beg leave to suggest to your honorable body the propriety of adopting the proper plan by which these copies shall be distributed among the officers of the militia. I have the honor to be, with high regard, most respectfully, your obt. servant,

GABRIEL MOORE.

Ordered, that the said communication be referred to the military committee.

Mr Hudson presented the petition of sundry citizens of the town of Tuscumbia, praying an alteration in the mode of electing town constables; which was read and referred to a select committee, consisting of messrs Hudson, Horton and Brodnax, to consider and report thereon.

Mr Dillett, from the judiciary committee to whom was recommitteed the bill entitled an act to amend the laws in relation to depositions, reported the following amendments thereto, viz: Strike out all after the word 'witnesses,' in the 12th line, to the word 'the,' in the 15th line: and in the 2nd section and 4th line, strike out the words 'in some one respect;' in which amendments the House concurred. The bill was then ordered to be engrossed for a third reading to-morrow.

The same committee, to whom was referred the petition of sundry persons, praying the passage of a law giving power to the commissioners of revenue and roads, to establish on equitable principles, private passways for wagons, horses, &c. even if the same should not lead to any public highway, reported that the prayer of the petitioners is unreasonable, and requests to be discharged from the further consideration of the petition; which was granted, and report concurred in.

The same committee, to whom was referred the bill entitled an act authorizing the administrators of the estate of William Bennell, deceased, late of Lowndes county, to make titles to certain lands therein named, reported the same without amendment. Mr Hudson moved to amend it by adding after the word 'creditors,' the words *and minors*; which was adopted. The bill was then ordered to be engrossed for a third reading to-morrow.

Mr Dillett made the following report: The judiciary committee to whom was referred so much of the message of His Excellency the Governor, as relates to the modification of that part of the constitution which restricts the number of counties in forming a judicial circuit to six counties, have had the same under consideration, and have directed me to report, that it would be proper to alter the constitution so as to give the Legislature the power of enlarging the circuits to more than six counties: *Provided*, a separate Supreme Court should be established. The same committee have examined a resolution directing them to inquire into the expediency of reducing the number of the Circuit Court judges, in the event a separate Supreme Court should be established, and have instructed me to report that your committee are of opinion, that should a separate Supreme Court be established, six circuits will for the present be sufficient to discharge promptly the business of the State, and should a separate Supreme Court be established, your committee recommend a new arrangement of the Circuit Courts, to be limited to the number of six circuits and six Circuit Court judges. *Ordered*, that said report lie on the table.

Mr Dillett made the following report: The judiciary committee have examined a bill to be entitled an act to exempt churches, church lots and grave yards from taxation, and have instructed me to report the same to this House without amendment. Mr Everett moved to amend the bill by way of the following proviso: *Provided*, that this act shall not be so construed as to exempt from taxation church lots, held in lease by individuals. Mr Hudson moved to amend Mr Everett's proviso with the words *and grave yards*, after the word 'lots.' Mr Hudson moved that the bill be indefinitely postponed; which was lost. Yeas 7—Nays 56.

The yeas and nays being desired, those voted who in the affirmative are messrs Baker, Coopwood, Debose, Dillett, Durand, Hudson and Musgrove.

Those who voted in the negative are messrs Speaker, Acklen, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Cook, Cunningham, Dillahunt, Everett, Faulk, Gayle, George, Gilbreath, Harris, Herbert, Hickman, Hogan, Hogg, Horton, Jackson, King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, McCallum, M'Vay, Metcalfe, Moore of M. Moore of W. M'phree, Mus-

grove, Philpot, Rather, Riddle, Richardson, Roberts, Ross, Rugeley, Sanders, Shortridge, Stephens, Taylor, Townsend, Walker, Ward, Williams and Young.

The question recurred on mr Hudson's amendment, and lost. The question recurred on mr Everett's proviso, and carried. The bill was then ordered to be engrossed for a third reading to-morrow.

A message was received from the Governor by James I. Thornton, which is as follows :

EXECUTIVE DEPARTMENT, *December 28, 1830.*

The Hon. Speaker and Members of the House of Representatives :

GENTLEMEN : I have received the resignation of the Hon. S. C. Richardson, judge of the County Court of Cowechee county. I have the honor to be,

GABRIEL MOORE.

Mr Clough moved that it lie on the table ; which was carried.

Mr Murphree presented the account of Caleb Murphree, former tax-collector of Blount county ; which was read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr Dillett made the following report : The judiciary committee have considered a resolution directing them to inquire into the expediency of amending the attachment law, and have instructed me to report that they cannot discover any inconvenience or defect in the existing law, sufficient to induce legislative interference at this time, and request to be discharged from the further consideration of the resolution ; which was granted, and the report concurred in.

The same committee, to whom was referred a resolution directing them to consider and report on that part of the message of His Excellency the Governor, which relates to the modification of our criminal code, reported that it is inexpedient at this time, to propose or attempt any alteration of our criminal law, and respectfully ask to be discharged from the further consideration of the resolution ; which was granted, and the report concurred in.

The same committee made the following report : The judiciary committee have had under consideration a resolution directing them to inquire into the propriety of passing a law prohibiting judges of the County Courts from making greater allowance to guardians than the nett proceeds of the estates of the wards for sustenance, unless they be idiots or invalids, and except for purposes of education, and have instructed me to report, that legislation in the way suggested by the resolution would be inexpedient ; in which report the House concurred.

Mr Shortridge presented the account of Hampton & Mitchell ; which was read and referred to the committee on accounts, to consider and report thereon.

Mr George made the following report : The committee on the State Capitol, to which was referred the bonds of Henry W. Collier, Thos. Mitchell, John L. Tindall, and others, have had the same under consideration, and have instructed me to report, that they cannot entertain a doubt of the validity of the bonds ; they are regularly drawn in clear and perspicuous language. That the Legislature of this State should, at its annual session, in the year one thousand eight hundred and twenty-five pass a law establishing the permanent seat of government of said State, in the town of Tuscaloosa, in the county of Tuscaloosa. This condition was complied with, as the law passed at the aforesaid session of 1825 shews. Your committee are therefore of the opinion, that unless the obligation herewith submitted, marked (B.) are not complied with, on application that the payment of them be enforced as soon as practicable. The bonds which have been referred to, your committee by this House on emxyination, will be found to be regular,

and to have been the deliberate and voluntary deed of the parties. Your committee cannot concede their belief that from the high character, elevated stand in society, and general reputation for honesty and fair dealing of the makers of these bonds, that they acted in good faith; indeed your committee cannot entertain a doubt but that a perfect title will be acquired by the State for the property set forth in the aforesaid writings on application to the parties. Mr Coopwood moved to lay the report on the table; which was lost.

The same committee reported a joint resolution requiring the Governor to call on Henry W. Collier, and others, to make titles to lots in the town of Tuscaloosa; which was read and ordered to a second reading to-morrow. Mr Hudson moved that seventy five copies of the report and resolution be printed for the use of this House; which was carried.

The same committee to which was referred the bonds of Wm. M. Marr, and others, have carefully examined the same, and have instructed me to report, that in the opinion of the committee the bonds are void. They are herewith submitted, marked (A.) Your committee therefore ask leave to be discharged from the further consideration of the subject. Mr Shortridge moved to lay the report on the table; which was carried.

The same committee to which was referred a resolution instructing them to inquire into the expediency of selling the property which was given by the town of Tuscaloosa to this State, for the purpose of aiding the State in the completion of the Capitol, and of making a further appropriation for the purpose of completing said Capitol, have had the subject embraced in the resolution under consideration, and have instructed me to report, that the first part of the resolution is embraced in the report submitted by them on the bond of H. W. Collier, and others, and the residue has been heretofore acted on by them, and its subject matter is included in a bill heretofore reported by the committee to the House. They therefore ask leave to be discharged from the further consideration of the subject; which was granted.

Mr Everett, from the select committee to which was referred the petition of sundry merchants and dealers of the city of Mobile, praying the passage of a law further to provide against frauds in cotton, reported a bill to be entitled an act further to provide against frauds in the packing of cotton; which was read and made the special order of the day for a second reading on Saturday next.

Mr Moore of M. made the following report: The select committee to whom was referred an act supplemental to an act entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and for other purposes, have according to order had the same under consideration, and have instructed me to report the following amendments: insert after the word funds in the 17th line, the words *to be*; also, to strike out in the 18th line of the 1st section these words: *which may be on hand*. Amend the bill in the 7th line, in the 2d section, by inserting after the word *be*, the word *come*. In the 3d line of the 3d section, strike out these words: *which may*, and insert in lieu thereof, the word *to*; also by adding a proviso at the end of the 3d section. *Ordered*, that the House concur in the first amendment. The question was to concur in the 2d amendment by striking out these words: *which may be on hand*; which was lost. Yeas 30—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Acklen, Barclay, Brown, Chiles, Cunningham, Gayle, George, Gilbreath, Hickman, Hogan, Hudson, Kilpatrick, King of M. Lane, Lawner, Massey, McCol-

lun. M Vay, Moore of M. Murphree, Musgrove, Philpott, Price Rather, Riddle, Richardson, Sanders, Shortridge and Stevens.

Those who voted in the negative are, messrs *Baker, Boyd, Brodnax, Clark, Clough, Coker, Collins, Cook, Coopwood, Dubose, Dillahunty, Dillett, Durand, Everett, Faulk, Harris, Hodges, Hogg, Horton, Jackson, King of P. Langford, Mardis, Metcalfe, Moore of W. Oliver, Roberts, Ross, Rugeley, Taylor, Townsend, Walker, Ward, Williams and Young.*

The House refused to concur in the other amendments, except the proviso : which was concurred in. Mr Richardson, who voted in the majority on concurring in the first amendment, moved to reconsider the vote; which was carried. The question recurred on concurring, and lost. The bill was then ordered to a third reading to morrow.

The House then proceeded to the consideration of the orders of the day.

On motion of Mr Dillett, the House resolved itself into a committee of the whole House. Mr Moore of M. in the chair, on the bill from the Senate, entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State; and after some time spent in consideration of the same, the committee rose. Mr Speaker resumed the chair, and Mr Chairman reported progress, and leave was asked to sit again on Saturday next; which was disagreed to.

Mr Herbert moved that the House adjourn until to morrow morning at 9 o'clock; which was lost. Yeas 25—Nays 40.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Speaker, Acklen, Baker, Boyd, Chiles, Gayle, George, Gilbreath, Herbert, Hickman, Hogan, Lane, Lea, Mardis, Philpott, Price, Rather, Riddle, Richardson, Roberts, Ross, Shortridge, Stephens, Williams and Young.*

Those who voted in the negative are, messrs *Barclay, Brodnax, Brown, Clark, Clough, Coker, Collins, Coopwood, Cunningham, Dubose, Dillett, Durand, Everett, Faulk, Harris, Hodges, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of M. King of P. Langford, Lawler, Massey, M. Collum, M. Vay, Metcalfe, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Rugeley, Sanders, Taylor, Townsend, Walker and Ward.*

Mr Baker moved that the House adjourn to 3 o'clock this evening; which was carried.

And then the House adjourned.

Evening Session, 3 o'clock.—The House met pursuant to adjournment.

The House resumed the consideration of the bill from the Senate, entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State. Mr Clark moved to postpone the bill, and make it the special order of the day for Thursday next; which was lost.

Mr Young asked leave of absence of the special committee appointed to investigate the conduct of messrs Peters and Houston; which was granted.

The bill from the Senate, entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State, being under consideration, Mr Moore of M. offered the following amendment: strike out in the 15th section after the word *that*, these words: *all Indians over the age of twenty one, and under forty five years old, shall pay a tax of six and one quarter cents, as a poll tax*; which was adopted. Mr Williams offered the following amendment to the 15th section: *every negro over the age of twelve and under sixty years old, owned by any Indian or Indians, shall be taxed fifty cents and*; which was lost. Yeas 26—Nays 31.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Speaker, Barclay, Boyd, Brown, Chiles, Coker, Coopwood, Cunningham, Dillett, Durand, Everett, Faulk, George, Hickman, Hodges, Hudson, M. Vay, Metcalfe, Moore of W. Philpott, Rather, Richardson, Sanders, Taylor, Walker and Williams.*

Those who voted in the negative are, messrs *Acklen, Baker, Brodnax, Clough,*

Collins, Dubose, Gilbreath, Harris, Hogan, Horton, Jackson, King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, McCollum, Moore of M. Murphree, Musgrove, Oliver, Price, Roberts, Ross, Rugeley, Stephens, Townsend, Ward.

Mr Hudson moved the following amendment to the 16th section: strike out the words *Creek and Cherokee*; which was lost. Mr Coopwood moved to strike out the 16th section; which was lost. Yeas 17—Nays 42.

The yeas and nays being desired, those who voted in the affirmative are, messrs Boyd, Chiles, Coopwood, Cunningham, Dillitt, Gayle, Hickman, Hodges, McVay, Metcalfe, Moore of W. Philpott, Rather, Richardson, Sanders, Walker and Williams.

Those who voted in the negative are, messrs Speaker, Acklen, Baker, Barclay, Brodnax, Brown, Clough, Coker, Collins, Dubose, Durand, Everett, Faulk, George, Gilbreath, Harris, Hogan, Horton, Hudson, Jackson, King of J. King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, McCollum, Moore of M. Murphree, Musgrove, Oliver, Price, Roberts, Ross, Rugeley, Stephens, Taylor, Townsend and Ward.

Mr Roberts, who voted in the majority on the rejection of Mr Williams' amendment, moved to reconsider the vote; which was lost. Mr Chiles moved to strike out the 19th section; which was lost. Mr Hogan moved to amend the 19th section with the following: strike out all after the word *enacted*, and insert the words *not take effect until from and after the first of August next, except in action of contract*. A division of the question being called for, the vote was first taken on striking out; and lost. Mr Coopwood offered the following amendment: *And be it further enacted*, that all revenue hereby authorized to be collected from Indians shall be paid into the several county treasuries in which any such collection may be made, and all expenses incurred in said collection shall be paid by the respective counties in which the collection shall be made. Mr Taylor called for the previous question; which was disagreed to. The question recurred on Mr Coopwood's amendment. Mr Hudson moved to amend the amendment by adding the words *or white men*, after the word *Indians*; which was lost.—The question was on adopting Mr Coopwood's amendment, and lost. Yeas 20—Nays 33.

The yeas and nays being desired, those who voted in the affirmative are, messrs Boyd, Brown, Chiles, Collins, Coopwood, Cunningham, Dillitt, Everett, Faulk, Gayle, Hickman, Hudson, McVay, Metcalfe, Philpott, Richardson, Sanders, Walker, Williams.

Those who voted in the negative are, messrs Speaker, Baker, Barclay, Clough, Coker, Dubose, Durand, Gilbreath, Harris, Hogan, Horton, Jackson, King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, McCollum, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Price, Rather, Roberts, Ross, Rugeley, Stephens, Taylor, Townsend, Ward.

Mr Harris offered the following amendment: strike out all after the word *southwardly* in the 5th line of the 8th section, and insert the following: "to a line drawn due west from a point on the Tombecbee river, directly opposite to the mouth of Chickasaw Bouge Creek to the Mississippi State line, shall be added to, and compose a part of, the county of Marengo; and all the territory now inhabited by the Choctaw nation of Indians within the limits of the State of Alabama, and which lies south of the said last mentioned line, and extending southwardly to the northern boundary line of the county of Washington, shall be added to, and compose a part of, the said county of Washington." Mr Coopwood moved to postpone the further consideration of the bill until to-morrow; which was lost. The question recurred upon Mr Harris' amendment; which was adopted. Mr Lea offered the following: *And be it further enacted*, that all expenses incurred in collecting the taxes in the Creek and Cherokee nation shall be paid out of the revenue arising from such nation, and the balance to be appropriated to assisting

the Indians to emigrate beyond the Mississippi. The previous question was called for by Mr Hudson. The previous question was then demanded by a majority of the members present, when the said previous question was put, viz: Shall the main question be now put? and passed in the affirmative. And the main question was then put: Shall this bill be read a third time to-morrow? it was determined in the affirmative.

Mr Acklen moved to suspend the orders of the day; which was carried.

On motion of Mr Hudson: *Resolved*, that the Rev William Callaway be invited to preach in the Representative Hall to-morrow evening at six o'clock P.M.

And then the House adjourned until to-morrow morning at 9 o'clock.

Wednesday, Dec. 29.—The House met pursuant to adjournment.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have instructed me to inform you that they have read three several times and passed a bill and joint resolution which originated in the House of Representatives of the following titles, to wit: an act making an appropriation for the payment of the members and officers of the present General Assembly; and joint resolution of the Senate and House of Representatives of the State of Alabama in General Assembly convened. They have also read three several times and passed bills which originated in the Senate, of the following titles, to wit: an act supplemental to an act entitled an act to revive and continue in force for three years an act for improving the road leading from Blakely, to the upper line of Baldwin county, by way of Durants, passed the 6th day of Jan. 1827; an act to revive an act entitled an act to incorporate the Trustees of the Tuscumbia Academy; and an act to provide for holding elections for of the members of the General Assembly and public officers: in which they desire your concurrence.

Bills from the Senate of the following titles, to wit: an act supplemental to an act entitled an act to revive and continue in force for three years an act for improving the road leading from Bakeley, to the upper line of Baldwin county, by way of Durant's passed the 6th Jan. 1827; an act to revive an act entitled an act to incorporate the Trustees of the Tuscumbia Academy; and, an act better to provide for holding elections for members of the General Assembly, and public officers, were severally read and ordered to a second reading to-morrow.

Mr Baker presented the petition of sundry citizens of the town of Montgomery, praying an act of incorporation to be styled the Montgomery fire engine company; which was read and referred to a select committee, to consist of messrs Baker, Oliver and Rugeley, to consider and report thereon.

Mr Coopwood presented the account of John Grigg, sheriff of Lawrence county; which was read and referred to the committee on accounts.

Mr Oliver presented the account of Edward Ellis, jailor of Montgomery county; which was read and referred to the committee on accounts.

Mr Speaker laid before the House a communication from William Nichols, the State Architect, in relation to the covering in the State capitol; which was read and referred to the committee on the State Capitol.

Mr Hogg presented the petition of sundry citizens of the lower town of Tuscaloosa, asking relief in relation to building the court-house and jail in said town; which was read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr Cook, from the committee on ways and means to whom was referred a bill entitled an act requiring the Governor to reside at the seat of government, reported the same without amendment. Mr Moore of M. moved that the bill lie on the table; which was lost: it was ordered to a third reading to-morrow.

The same committee to whom was referred a resolution directing an inquiry into the expediency of granting to the several counties in this State the revenue arising from tavern and retail licenses, for building bridges and making other improvements in the counties, reported that it is inexpedient to pass a law in conformity with said resolution: in which report the House concurred.

Mr Acklen made the following report: The committee on enrolled bills, have examined and found correctly enrolled, an act making an appropriation for the payment of the members and officers of the present General Assembly; which originated in this House.

Mr Dillett, from the judiciary committee, to whom was referred a resolution directing them to inquire into the expediency of passing a law to prohibit the emigration of free negroes from other States into this State, reported that it is inexpedient at this time to legislate on this subject. Mr Moore of M. moved to recommit the resolution to the judiciary committee with instructions to report a bill to prohibit the introduction of free negroes into this State; which was lost. Mr Taylor then moved that the resolution be referred to a special committee, with the instructions as proposed by Mr Moore of M., and the additional instructions proposed by Mr Hudson, viz: "and to prevent the emancipation of slaves." A division of the question being called for, the vote was first taken on the reference to the committee, and carried. The vote was then taken on the instructions and carried; whereupon, messrs Moore of M., Acklen, King, Richardson, Lane and Hudson, were appointed.

Mr Dillett, from the judiciary committee to whom was referred a joint resolution, declaring the time that clerks of the circuit and county courts shall hold their offices when appointed to the same, on the death, removal or resignation of the persons duly elected to fill said offices, reported the same to this House without amendment. Mr Clark moved that the resolution be indefinitely postponed: which was carried.

A message from the Governor, by James I. Thornton; which is as follows:

EXECUTIVE DEPARTMENT, Dec. 29 1830.

To the Hon. the Speaker and Members of the House of Representatives.

Gentlemen: I have received the resignation of the Honorable James C. Irwin, judge of the county court of Wilcox county. I have the honor to be,

[Signed] GABRIEL MOORE.

Ordered, that said communication lie on the table.

Mr Sanders, from the select committee to whom was referred the bill entitled an act for the support of paupers in the county of Limestone, reported the same with the following amendment, by striking out all after the enacting clause, and by substituting two other sections in lieu thereof: in which amendment the House concurred.

Mr Sanders who voted in the majority on concurring in the report of the committee, moved to reconsider the vote; which was carried. Yeas 35—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Baker, Barclay, Brown, Coker, Cook, Dubose, Durand, Everett, Faulk, Gayle, Gilbreath, Harris, Herbert, Hickman, Hogan, Jackson, Kilpatrick, Lane, Lea, Mardis, Metcalfe, Moore of M., Murphree, Oliver, Phelon, Rather, Riddle, Roberts, Rugeley, Sanders, Stephens, Townsend, Walker and Ward.

Those who voted in the negative are, messrs Acklen, Boyd, Brodnax, Chiles, Clark, Collins, Campwood, Cunningham, George, Hodges, Hogg, Horton, Hudson, King of J. King of M., King of P., Langford, Lawler, Massie, McCallum, M-Vay, Moore of M., Musgrove, Price, Richardson, Ross, Shorridge, Talbot, Williams and Young.

The question recurred on concurring and carried. Yeas 43—Nays 21.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen, Boyd, Brodnax, Brown, Chiles, Clark, Coker, Collins, Coopwood, Cunningham, Durand, Everett, Fulk, Gayle, George, Harris, Herbert, Hodges, Hogan, Hogg, Hudson, Jackson, Kilpatrick, King of J., King of M., King of P., Lane, Langford, Lawler, Lea, Massey, McCollum, M'Vay, Moore of M., Murphree, Riddle, Richardson, Sanders, Shortridge, Taylor, Williams and Young.

Those who voted in the negative are, messrs Baker, Barclay, Cook, Dubose, Dillett, Gilbreath, Hickman, Mardis, Metcalfe, Moore of W., Musgrove, Oliver, Philpot, Price, Rather, Ross, Rugeley, Stevens, Townsend, Walker and Ward.

The bill was then ordered to be engrossed for a 3d reading on to-morrow.

On motion of Mr Hudson: *Ordered*, that Mr George have leave of absence for the day.

Mr Dillett, from the judiciary committee to whom was referred a bill to be entitled an act to compel the speedy service of warrants issued by justices of the peace in civil cases, reported the following amendment: *Strike out the word five in the 8th line, and insert the word three in lieu thereof*; which was concurred in. Mr Hickman moved to amend the 2d section, by striking out the word *five* to insert the word *three*; which was carried. Mr Clark offered the following amendment, to come in at the close of the 2d section, *unless the defendants have evaded service*. Mr Coopwood then moved that the bill be indefinitely postponed; which was carried.

Mr Acklen made the following report: The committee on enrolled bills, have examined and found correctly enrolled, an act to authorize Thomas A. Heard, of Walker county, to erect a mill and other water works on the Black Warrior river; which originated in the Senate.

Mr Coopwood, who voted in the majority on yesterday, on ordering the bill from the Senate entitled an act supplemental to an act entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and for other purposes, to a third reading moved to reconsider the vote; which was carried. Mr Coopwood moved to reconsider the vote on rejecting the amendments to the bill; which was carried. Mr Coopwood moved that the House concur in the amendments.

It being 11 o'clock, Mr Sanders moved to suspend the 24th rule of the House, so far as relates to the orders of the day; which was lost: there not being a majority of two thirds in favor of the suspension. Yeas 33—Nays 32.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen, Baker, Barclay, Brodnax, Cook, Coopwood, Cunningham, Dubose, Dillett, Gilbreath, Harris, Hickman, Hodges, Hudson, King of M., Lane, Lea, M'Vay, Metcalfe, Moore of M., Murphree, Musgrove, Philpot, Rather, Richardson, Rugeley, Sanders, Shortridge, Stephens, Ward and Williams.

Those who voted in the negative are, messrs Boyd, Brown, Chiles, Clark, Clough, Coker, Collins, Durand, Everett, Fulk, Gayle, Herbert, Hogan, Hogg, Horton, Jackson, Kilpatrick, King of J., King of P., Langford, Lawler, Mardis, Massey, McCollum, Moore of W., Oliver, Riddle, Roberts, Ross, Taylor, Walker and Young.

The House then proceeded to the consideration of the orders of the day.

The House resumed the consideration of the memorial from the Senate, entitled, joint memorial asking a donation of lands to connect the waters of the Tennessee with those of the Coosa river by means of a canal. Mr George moved a call of the House; which was lost. Mr Baker moved to postpone the further consideration of the memorial, asking a donation of lands to connect the waters of the Tennessee with those of the Coosa river by means of a canal, to three o'clock this evening; which was lost. The question was then put on the adoption of the memorial, and lost. Yeas 30—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Dillett, Durand, Gayle, George, Harris, Hickman, Hogan, King of J., King of M., Langford, Lawler, Mardis

Massey Moore of M. Murphree Musgrove Price Riddle Shortridge Taylor Young and Roberts.

Those who voted in the negative are, messrs Baker Clough Coker Collins Cook Coopwood Croniegham Dabose Faulk Gilbreath Herbert Hagg Horton Hudson Jackson Kilpatrick King of P. Lee McColum McVay Metcalf Moore of W. Oliver Philpot Rother Richardson Ross Rugeley Sanders Stephens Townsend Walker Ward Williams Hodges. So the memorial was rejected.

And then the House adjourned until to-morrow morning 9 o'clock.

Thursday, Dec. 30, 1830 — The House met pursuant to adjournment.

Mr Baker moved that Mr Roberts be permitted to record his vote on the quest on taken on yesterday to adopt the memorial, asking a donation of lands to connect the waters of the Tennessee with those of the Coosa river by means of a canal; which was granted.

Mr Everett moved that Mr Hodges have leave as asked for by Mr Roberts; which was granted.

Mr Speaker laid before the House a report of the commissioners, showing the amounts of rents, &c. of the ferries at the town of Cahawba; which was read. Mr Taylor moved that it lie on the table; which was carried.

Mr Everett presented the account of T. Sanford; which was read and referred to the committee on accounts.

Mr Clark moved to suspend for the present the 24th rule; which was carried.

On motion of Mr Clark: *Resolved*, that any two members of the select committee appointed to investigate the official conduct of the judge and clerk of the county court of Morgan county, be authorized to take the testimony of the witnesses without the attendance of the other members of the committee, and that said committee, or any two of its members, have leave to sit during the session of the House.

Mr Horton presented the petition of the Trustees of La Grange Academy, in the village of La Grange, in Franklin county, praying the passage of a law prohibiting the licensing of individuals for the purpose of retailing spirituous liquors within the south half of township 4, range 10, west, and the north half of township 5, range 10, west of the Huntsville District; which was read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr George made the following report: The committee on the State Capitol, to which was referred a resolution instructing them to inquire what amount of money will be necessary to put a good roof on the State Capitol have had the same under consideration and have instructed me to report that they requested the chairman to address a note to two good practical carpenters, inquiring what sum would be necessary to effect the object. The chairman accordingly wrote to Henry Sossaman and Edward S. Farish, gentlemen of great practical skill, asking their opinion in writing, what sum will be necessary to put a good roof on the Capitol, to which he received the communication herewith submitted, marked A. which the committee ask to be made a part of this report, by which it will be seen that the sum of eight hundred dollars is required to put a good roof on the Capitol. The committee ask leave to report further to the House, that they have heretofore reported a bill having for its object the completion of the State Capitol; they therefore ask to be discharged from the further consideration of this subject. *Ordered*, that said report lie on the table.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have read three several times and passed bills which originated in their House of the following titles, to wit: An act to authorize the representatives of the estate of James Reynolds, deceased, to sell and dispose of real estate under certain

sell and dispose of certain lands therein named ; an act to provide for the free admission of Students into the University of Alabama from the several counties in the State in proportion to their population ; an act supplementary to an act entitled an act to incorporate the Tuscumbia railway company ; an act to amend an act entitled an act to appoint commissioners to lay off certain roads therein specified, so far as it relates to the State road leading from Tuscaloosa to the town of Claiborne, Pensacola and Blakely, passed 17th December 1821, and for other purposes ; and an act to curtail the amount of damages upon bills of exchange, purchased by the Bank of the State of Alabama ; in all of which they desire the concurrence of your honorable body. They have also passed bills which originated in the House of Representatives, entitled an act to amend the act regulating judicial proceedings ; an act to establish an academy in the county of Mobile ; and have amended the latter bill by adding thereto an additional section. They have also passed a bill which originated in their House entitled an act to compensate the commissioners of roads and revenue of the counties of Greene, Lauderdale, Perry, Lawrence, Marengo and Dallas, for their services, and have amended the same by striking therefrom the county of *Lauderdale*, wherever it occurs in the bill, in which amendments they desire your concurrence.

Bills from the Senate of the following titles, to wit: An act to authorize the representatives of the estate of James Reynolds, deceased, to sell and dispose of real estate under certain restrictions: an act to enable the State of Alabama to sell and dispose of certain lands therein named; an act supplementary to an act entitled an act to incorporate the Tuscumbia railway company; an act to amend an act entitled an act to appoint commissioners to lay off certain roads therein specified, so far as it relates to the State road leading from Tuscaloosa to the town of Claiborne, Pensacola and Blakely, passed 17th December 1821, and for other purposes; and an act to curtail the amount of damages upon bills of exchange purchased by the Bank of the State of Alabama, were severally read and ordered to a second reading to-morrow.

The engrossed bill entitled an act to establish an academy in the county of Mobile, being under consideration, Mr Durand moved to amend the amendment made by the Senate, by striking out the word "support," with a view to insert the words "funds," which was adopted; the amendment as amended, was then concurred in. *Ordered*, that the House concur in the amendment made by the Senate to the bill entitled an act to compensate the commissioners of roads and revenue of the counties of Greene, Lauderdale, Perry, Lawrence, Marengo and Dallas.

The bill from the Senate entitled an act to provide for the free admission of students into the University of Alabama from the several counties of this State in proportion to their population, was read a first time; and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith and referred to the committee on education to consider and report thereon.

Bills of the following titles, to wit: An act to set apart the nett proceeds of the University fund for the establishment of preparatory schools in each county in this State, and to provide for an increase of the funds hereby appropriated to that object; and an act to admit students whose parents or guardians are unable to pay for their board and tuition in the University of Alabama, were on their second reading referred to the committee on education.

A message from the Governor by James I. Thornton.

December 30, 1830.—Mr Speaker: I am instructed by the Governor to inform your honorable body, that he did on the 28th instant, approve and sign an act to authorize Henry Brazleton, administrator of the estate of Joel Ledbetter, deceased, to convey a certain tract of land therein named; an act to compensate Jack Shackelford, receiver of public moneys at the land office at Courtland, for certain services therein named; and on the 29th instant, an act making an appropriation for the payment of the members and officers of the present General Assembly; all of which originated in the House of Representatives.

Mr Moore of Madison, from the committee on lands appropriated for internal improvement, to which was referred a bill to be entitled an act to regulate the time of payment for lands sold by the State of Alabama at the land office in Courtland, reported the following amendment: strike out all after the enacting clause, and substitute three other sections in lieu thereof; which was adopted. Mr Coopwood moved that the rule requiring bills to be read on three several days be dispensed with; that it be considered as engrossed and read a third time forthwith; which was lost, Mr Coopwood moved that the bill be read a third time and made the special order of the day for Saturday next: a division of the question was called for, and the vote was first taken on reading the bill a third time on Saturday next; which was carried. The vote was then taken on the special order, and carried. So the bill was ordered to be engrossed and read a third time on Saturday next, and made the special order for that day.

Mr Herbert made the following report: The committee on enrolled bills, have examined and find correctly enrolled, joint resolutions of the Senate and House of Representatives of the State of Alabama in General Assembly convened; which originated in this House.

Mr Young, from the committee on inland navigation, to whom was referred a bill to be entitled an act to repeal an act, entitled an act to establish a board of internal improvement, for the State of Alabama, approved January 15, 1830, reported the same with the following amendment: Strike out the second section of the bill; in which amendment the House concurred.

Mr Coopwood moved to suspend the orders of the day; which was lost.

The House then proceeded to the consideration of the orders of the day.

The House resumed the consideration of the bill from the Senate, entitled an act making further regulations for selling the University lands. The bill being on its third reading. Mr Clark moved that the further consideration of the bill be postponed to the first day of March next; which was carried. Yeas 36—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Acklen, Barclay, Boyd, Brown, Clark, Collins, Coopwood, Durand, Everett, Gilbreath, Herbert, Hickman, Hodges, Hogan, Hogg, Kilpatrick, King of J. King of M. King of P. Lawler, Mardis, Massey, Metcalfe, Moore of M. Moore of W. Musgrove, Philpot, Price, Roberts, Shortridge, Stephens, Taylor, Walker, Williams and Young.

Those who voted in the negative are, messrs Baker, Brodnax, Chiles, Coker, Cook, Cunningham, Dillahunt, Dillett, Faulk, Gayle, George, Harris, Horton, Hudson, Jackson, Lane, Langford, Lea, M'Collum, M'Vay, Murphree, Oliver, Rather, Riddle, Richardson, Ross, Rugeley, Sanders, Townsend and Ward.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to amend the act regulating judicial proceedings, which originated in this House. The report

and resolutions in relation to the tariff, &c. being under consideration, Mr Coopwood moved to postpone the further consideration thereof, and make it the special order for Monday next; which was carried.

Mr Mardis moved that the bill entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State, be made the special order of the day for Tuesday next; which was carried.

Mr Sanders moved to suspend the orders of the day; which was lost.

The bill entitled an act to amend the laws relative to the sale of sixteenth sections of land in the State of Alabama, was read a second time. Mr Everett moved to amend the bill by way of the following proviso: *Provided*, that no commissioner or other person authorized to sell, shall directly, or indirectly, become the purchaser of any such sections, or parts of sections; which was lost. Mr Clark moved that the bill be referred to the committee on education; which was carried.

The bill entitled an act permanently to fix the seat of justice in the county of Monroe, was read a second time. Mr Dillett moved that the bill be indefinitely postponed; which was lost. Mr Dillett then moved that the bill be referred to a select committee; which was carried. It was then referred to messrs Dillett, Faulk and Coker, to consider and report thereon.

And then the House adjourned until to-morrow morning at 9 o'clock.

Friday, Dec. 31, 1830.—At 9 o'clock 15 members met pursuant to adjournment.

Mr George moved a call of the House, when the following members answered to their names, to wit:

Messrs Speaker, Barclay, Brown, Chiles, Clough, Coker, Collins, Dubose, Dillett, George, Gilkreath, Harris, Moore of W. Rather, Taylor and Young.

A quorum then assembled, and the House proceeded to business.

Mr Everett, who voted in the majority on yesterday, to permit messrs Roberts and Hodges to vote on the memorial asking a donation of lands to connect the waters of the Tennessee with those of the Coosa river by means of a canal, moved to reconsider the vote; which was carried.

The question recurred on the motion to permit messrs Roberts and Hodges to vote, and lost.

A message from the Senate by mr Gayle: Mr Speaker—The Senate have read three several times and passed the following bills: to be entitled, An act regulating the costs upon suits brought upon bills of exchange; an act to establish a state road from Tuscaloosa to Montgomery; an act to authorize the judge of the County Court, and commissioners of revenue and roads of Walker county, to levy an extra county tax for the completion of the public buildings of said county; an act requiring judges of the County Courts to renew their bonds; an act declaratory of an act in relation to seamen belonging to vessels in merchants' service; an act for the relief of Winifred Jameson, wife of John Jameson; and an act prescribing the duty of officers in ordering military elections; in all of which they ask the concurrence of your honorable body. They have also read three several times and passed bills which originated in the House of Representatives, entitled an act to change the time of holding the County Court of Pike county; and an act relating to the acknowledgement of deeds and relinquishment of dower. They have also read and adopted a memorial to the Congress of the United States, which originated in your honorable body, entitled, memorial to the Congress of the United States

in relation to public lands, and have amended the same as therewith shewn; in which they desire the concurrence of the House of Representatives.

Ordered, that the House concur in the amendments made by the Senate to said memorial.

Mr Young moved to suspend for the present the 24th rule; which was carried.

Mr Young obtained leave to introduce a bill to entitled an act to authorize the judge of the County Court, and the commissioners of revenue and roads of Perry county, to levy a special tax for the purposes therein specified; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was considered as engrossed, and read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for concurrence.

Mr Everett asked leave to withdraw the accounts of Jonas Brown; which was granted.

Mr Hudson asked leave to withdraw the memorial of John J. Winston and others, in relation to the University lands; which was granted.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to compensate the commissioners of roads and revenue of the counties of Greene, Perry, Lawrence, Marengo and Dallas; which originated in this House.

Mr Rather, from the committee on privileges and elections to whom was referred several bills and petitions, having for their object to discontinue and establish certain election precincts, reported a bill to be entitled an act to discontinue and establish certain election precincts therein specified; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and recommitted to the committee on privileges and elections, to consider and report thereon.

Bills from the Senate of the following titles, to wit: An act regulating the costs upon suits brought on bills of exchange; an act to establish a State road from Tuscaloosa to Montgomery; an act requiring the judge of the County Court to renew their bonds; an act declaratory of an act in relation to seamen belonging to vessels in merchants' service; and an act prescribing the duty of officers in ordering military elections, were severally read and ordered to a second reading to-morrow.

The bill from the Senate entitled an act to authorize the judge of the County Court and commissioners of revenue and roads of Walker county, to levy an extra county tax for the completion of the public buildings of said county, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and the rule being further dispensed with, it was then read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act for the relief of Winefred Jameson, wife of John Jameson, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and referred to the judiciary committee.

Mr Oliver, from the select committee to whom was referred the resolution on so much of his His Excellency's message as relates to the address of the publisher, proposing the publication of the debates upon the adoption of the federal constitution, report a joint resolution directing the Governor to subscribe for five copies of the debates on the adoption of the

federal constitution ; which was read a first time, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith. Mr Coopwood moved to amend the resolution by striking out the words "said publication," with a view to insert the words *debates on the adoption of the federal constitution*. Mr Baker moved that the resolution lie on the table ; which was lost. The question recurred on Mr Coopwood's amendment, and carried : And the rule being farther dispensed with, the resolution was considered as engrossed, and read a third time forthwith and passed.—*Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Everett, from the select committee to whom was referred the bill entitled an act to amend an act, entitled an act to alter and amend the charter of incorporation of the city of Mobile, reported the same with sundry amendments ; and also, an additional section number 6 ; which were severally concurred in. The bill was then ordered to the third reading on to-morrow.

Mr Horton, from the select committee who were appointed to report a suitable address to the Congress of the United States, praying the passage of a law providing for the sale by the State of Alabama, of lands granted to said State by act of 23rd May, 1828, for the purpose of improving the navigation of the Tennessee and other rivers, that may remain unsold on the first day of June next, at the prices fixed upon such lands by the commissioners appointed to select and value the same, reported a memorial of the General Assembly of the State of Alabama, to the Hon. the Senate and House of Representatives of the United States in Congress assembled. Mr Moore of M. moved that it be referred to the committee on lands appropriated for internal improvement, to consider and report thereon ; which was carried.

The hour of 11 o'clock having arrived, Mr Hudson moved that the consideration of the orders of the day be suspended ; which was carried.

The House then resumed the consideration of the amendments made by the committee to the bill entitled an act supplemental to an act entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and for other purposes. Mr Hudson moved the previous question ; which was disagreed to. Mr Baker moved to amend the amendments reported by the committee by adding thereto the following : Whereas, the above extension of authority is given to the commissioners with the express understanding that all contracts which shall be made will be wholly upon the credit of what is now due, or may become due for the lands sold therefor.

Be it enacted, that the State of Alabama does not consider herself under any obligation to make good any deficiency which may arise from the failure of the canal commissioners to make good any contracts into which they may enter. Mr Coopwood moved that the amendment lie on the table ; which was carried. Mr Coopwood then offered the following amendments : *Provided further*, the canal commissioners shall make no contract by which the State of Alabama shall be bound beyond the amount of the canal fund, that shall have been, or may be collected for lands sold at Courtland ; which was adopted. Mr Coopwood moved to reconsider the vote on the adoption of his amendment ; which was carried. Mr Richardson offered the following amendment to the amendments reported by the committee : *And be it further provided*, that all contracts entered into by said commissioners, agreeably to the provisions of this act, shall be made on the faith of the funds arising from the sale of said granted lands ; and that the

State of Alabama shall not be liable for any of the said contracts so entered into by the commissioners; which was adopted. The question then recurred upon concurring in the amendments of the committee as amended, and carried. The bill was then read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Acklen, from the committee on enrolled bills, made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to change the time of holding the County Court of Pike county, which originated in this House; and an act to regulate trials before justices of the peace; and a joint resolution requiring the secretary of State, comptroller of public accounts, or State treasurer, to administer the oath of office to the members of the General Assembly; both of which originated in the Senate.

Mr Ross moved further to suspend the consideration of the orders of the day; which was carried.

On motion of Mr Ross: *Resolved*, that with the concurrence of the Senate, the two Houses will assemble in the Hall of the House of Representatives on Monday next, at the hour of 11 o'clock A. M. for the purpose of electing a judge of the County Court of Wilcox county, and a judge of the County Court of Conecuh.

Mr Musgrove obtained leave to introduce a joint resolution proposing the survey of a certain railroad route therein named; which was read the first time and ordered to a second reading on to-morrow.

The bill entitled an act to divide the 20th Regiment of the Militia of this State, and for other purposes, was read a second time and referred to a select committee, consisting of messrs Lawler, Mardis and Langford to consider and report thereon.

Mr Gayle moved further to suspend the consideration of the orders of the day; which was carried.

Mr Gayle introduced a bill to be entitled an act to continue in force and amend an act entitled an act to provide for reporting the decisions of the Supreme Court; which was read.

Mr Gayle moved that the constitutional rule requiring bills, &c. to be read on three several days be dispensed with, and that the bill be read a second time forthwith; which was lost, there not being four fifths voting in the affirmative. Yeas 32—Nays 24.

The yeas and nays being desired, those who voted in the affirmative are, messrs Acklen, Baker, Brodnax, Coopwood, Cunningham, Dillahunt, Durand, Everett, Gayle, George, Hickman, Hogan, King of P. Lane, Lawler, Lea, mardis, moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpott, Price, Rather Richardson, Roberts, Ross, Rogely, Sanders, Taylor, Williams—32.

Those who voted in the negative are, messrs Speaker, Barclay, Boyd, Brown, Chiles, Clough, Cook, Faulk, Harris, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of M. Langford, Massey, M'Collum, M'Vay, Metcalfe, Stephens, Townsend, Walker, Ward—24.

The bill was then made the special order for a second reading on to-morrow.

The House then resumed the consideration of the orders of the day.

The bill entitled an act to amend an act entitled an act to amend an act to regulate the licensing physicians to practice, and for other purposes, passed the 15th day of January, 1830, was read a second time. Mr Everett moved to amend the first section of the bill, by striking out the word "three" in the fifth line thereof, and inserting the word *five*; which was carried. The bill was then, on motion of Mr Herbert, referred to a select committee, consisting of Messrs Herbert, Moore of M. Roberts, Oliver, Boyd, Hogan, and King of J. to consider and report thereon.

The bill entitled an act concerning the County Court of Mobile county, and for

other purposes, was read a second time and referred to a select committee, consisting of Messrs Coopwood, Everett and Durand to consider and report thereon.

The bill entitled an act to deduct from the salaries of public officers certain sums for failure or neglect of duty in their official capacity, was read the second time and referred to the judiciary committee to consider and report thereon.

The bill from the Senate entitled an act for the relief of Sheriffs serving process in the Indian nation, was read a second time and referred to the judiciary committee.

The joint resolution from the Senate entitled, joint resolution to authorize the Secretary of State to procure books and stationary for the use of the State departments and General Assembly, was read a second time. Mr Clark moved that the rule requiring bills, &c. to be read on three several days be dispensed with, and that the resolution be read a third time forthwith; which was lost. Mr Philpott moved that the resolution be referred to a select committee; which was carried: whereupon, messrs Philpott, Clark, and Herbert were appointed said committee.

Bills from the Senate of the following titles, to wit: An act to exempt garnishees from the payment of costs in certain cases; and an act to amend the laws relative to executors, administrators, and guardians, were severally read a second time and referred to the judiciary committee.

The bill from the Senate entitled an act to render legitimate Thomas Maxwell, jr. the natural son of Thomas Maxwell, was read a second time and ordered to a third reading to-morrow.

The bill from the Senate entitled an act to incorporate Cahawba Academy, in the county of Dallas, was read a second time and referred to the Representation from the county of Dallas.

And then the House adjourned to 3 o'clock this evening.

Evening Session 3 o'clock.—The House met pursuant to adjournment.

Bills from the Senate of the following titles, to wit: An act to define the prison bounds of the several counties of this State, and an act concerning dower, were severally read a second time and referred to the judiciary committee.

Bills of the following titles, to wit: An act to amend an act to authorize John A. Chapman, Simeon Chapman, and Daniel Welch, and their associates, to turnpike a certain road therein named; and an act for the relief of certain purchasers of the the 16th section, in township two, range one, east of the basis meridian in the land district of Huntsville, were severally read a second time and ordered to be engrossed for a third reading to-morrow.

Engrossed bills of the following titles, to wit: An act more effectually to secure the collection of the public revenue; an act to authorize the mayor and aldermen of the town of Huntsville to exempt the Huntsville Guards from working on the streets of Huntsville; and an act to provide for opening a certain road therein named, were severally read a third time and passed.

Ordered, that their titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to regulate the payment of petit jurors in the county of Baldwin, was read a second time. Mr Roberts moved to amend the bill by striking out of the first section, the words "four dollars and fifty cents," with a view to insert the words *three dollars*. A division of the question was called for, and the vote was first taken on striking out, and carried. The vote was then taken on filling the blank, and carried. Mr Durand moved to amend the first section, by inserting the word *final* before the word "judgment;" which was carried. Mr Roberts moved to amend the 3d section, by striking out the word "three," to insert the word *two*; which was carried. Mr Roberts moved that the rule requiring bills to be read on three several days be dispensed with; that it be considered as engrossed, and read a third time forthwith; which was carried. The bill was then read a third time forthwith, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to amend the several acts concerning assessors and tax collectors, was read a second time and referred to the committee on ways and means, with instructions to report to-morrow morning.

The bill entitled an act for the relief of a certain person therein named,

was read a second time. Mr Coopwood moved that the bill be referred to the committee on propositions and grievances; which was lost. Mr Lawler moved that the bill be indefinitely postponed; which was lost. It was then ordered to be engrossed for a third reading to-morrow.

The bill entitled an act to raise a fund for the county of Wilcox, was read the second time and referred to the committee on ways and means.

Bills from the Senate of the following titles, to wit: an act to authorize the forty-sixth regiment of Alabama militia to form a company beat with a less number than forty privates, in the county of Dale; an act for the relief of William Jackson; and, an act to extend the powers of the county court of Dallas county in relation to roads; were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act concerning the establishment of public highways, was read a second time and referred to the committee on roads, bridges and ferries.

The bill from the Senate entitled an act to repeal in part and amend an act to establish La Grange College, approved Jan. 19th, 1830, was read a second time. Mr Hudson moved that the bill be indefinitely postponed; which was carried. Yeas 33—Nays 24.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Baker Brodnax Brown Chiles Clark Clough Coker Collins Cook Coopwood Cunningham Dillahunt Harris Hodges Hogg Horton Hudson Jackson King of P. Lea Massey M Collum, metcalfe moore of W. murphree musgrove Riddle Ross Rugeley Shortridge Stephens Walker and Ward.

Those who voted in the negative are, messrs Acklen Barclay Dillett Durand Gayle George Herbert Hickman Hogan King of J. King of M. Lane Lawler mardis m'Vay moore of M. Philpot Price Rather Richardson Roberts Sanders Taylor and Williams.

And then the House adjourned till to-morrow morning at 9 o'clock.

Saturday, Jan. 1, 1831.—The House met pursuant to adjournment.

Mr Hudson moved a call of the House; which was lost.

Mr Moore of M. presented the memorial of the Trustees of the hospital of the town of Memphis, in the State of Tennessee, asking aid in establishing a hospital in said town; which was read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr Hudson, from the committee on accounts to whom was referred the account of Wiley, M'Guire & Henry, reported that they are not fully satisfied that said account is chargeable on the State treasury, and if it is a proper charge on the State treasury, they are of opinion that said account is not authenticated as the law directs, therefore said account ought not to be allowed, and ask leave to be discharged from the further consideration thereof; which was granted.

The same committee to whom was referred the account of William Cameron and Littlepage Sims, acting justices of the peace, for and in the county of Shelby, for holding an inquest over the body of a man by the name of Willie Starks in the month of July 1829, reported that said account is not chargeable on the State, therefore ought not to be allowed, and ask leave to be discharged from the further consideration thereof. Mr Lawler moved that the report lie on the table; which was lost. The committee was then discharged.

The same committee to whom was referred the account of William Cameron for holding an inquest over the body of a black man, named Jefferson, reported that said account is not chargeable on the State, and therefore ought not to be allowed, and ask leave to be discharged from the further consideration thereof; which was granted.

Mr Ward presented the account of the sheriff of Henry county; which

was read and referred to the committee on accounts, to consider and report thereon.

Mr Rather made the following report: The committee consisting of the delegation of Morgan and Madison, to which was referred the petition of the citizens of Morgan and Madison counties, praying the Legislature to pass a law giving John D. Wylie the right to build a mill on Flint river, in the county of Madison, have according to order had the same under consideration, and have instructed me to report, that the act approved Jan. 13th 1827, to improve the navigation of Flint river, in Madison county, the said act incorporates a company to improve the navigation of said rivers. The 12th section of the above recited act is that if the improvements contemplated by this act, be not made in five years, then this act shall be made null and void; your committee are therefore of opinion, that the passage of such a law would be unconstitutional, therefore they ask to be discharged from the further consideration thereof; which was granted.

Mr Rather, from the committee on accounts to which was referred the account of Garret Fitzgerald, sheriff of Marion county, for keeping Moses Roberson, charged with murder, reported that said account is not sufficiently authenticated, and ask leave to be discharged from the further consideration thereof; which was granted.

Mr Coopwood, from the select committee to whom was referred a bill to be entitled an act concerning the county court of Mobile county, and for other purposes, reported the same with the following amendments, by adding thereto two additional sections, Nos 7 and 8: in which amendment the House concurred. Mr Coopwood moved that the rule requiring bills to be read on three several days be dispensed with; which was carried: the bill was then considered as engrossed, and read a third time forthwith, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have concurred in the amendment made by your honorable body to their amendment to a bill which originated in the House of Representatives, entitled an act to establish an Academy in the county of Mobile. They have read three several times and passed bills to be entitled an act to alter and amend the militia laws of this State; an act to compel the owners or keepers of toll bridges and ferries to renew their bonds at regular periods; and, an act better to secure the punctual attendance of witnesses in certain cases: in which they desire the concurrence of your honorable body.

Bills from the Senate of the following titles, to wit: an act to alter and amend the militia laws of this State; an act better to secure the punctual attendance of witnesses in certain cases; and, an act to compel the owners or keepers of toll bridges and ferries to renew their bonds at regular periods; were severally read a first time and ordered to a second reading on Monday next.

Mr Hogan, from the select committee to whom was referred the bill entitled an act to incorporate Cahawba Academy, in the county of Dallas, reported the same with sundry amendments; which were concurred in: and the rule requiring bills to be read on three several days being dispensed with, it was then read the third time forthwith, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Dillett, from the select committee to whom was referred the bill entitled an act permanently to fix the seat of justice in Monroe county, reported the same without amendment. Mr Dillett then moved to amend the bill, by striking out all after the enacting clause, and substituting ano-

ther bill in lieu thereof; which was adopted. Mr Dillett moved further to amend the bill by striking out the name of *John H. Graham*, with a view to insert the name of *William Robinson*; which was carried: and the rule requiring bills to be read on three several days being dispensed with, and the bill considered as engrossed, it was read a third time forthwith, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Moore of M., from the committee on education to which was referred a resolution instructing them to inquire the expediency of so amending an act to establish La Grange College, approved Jan. 19th, 1830, as will give the encouragement to education contemplated by the constitution, reported that the 17th section of the act incorporating said La Grange College, reserves to the Legislature the right to alter or amend the said act at pleasure: which is believed by your committee to be a restriction both unnecessary and unusual in acts of incorporation. That the act incorporating La Grange College provides that the same shall be purely literary in its character, and strictly guards against the abuse of powers granted, by confining them solely to the promotion of education. That the funds of said college are derived alone from the liberality of individual donations, and that the 17th section of said act of incorporation, imposes restrictions which are calculated to retard the prosperity of said college, by preventing subscriptions and donations which could not be better applied than to promoting education. That the engrossed bill from the Senate having for its object the repeal of said restrictions, having been acted on and postponed indefinitely, your committee ask leave to be discharged from the subject; which was granted.

Mr Lawler, from the select committee to whom was referred a bill to be entitled an act to divide the 20th regiment of the militia of this State, and for other purposes, reported sundry amendments; which were severally concurred in, and adopted: and the rule requiring bills to be read on three several days being dispensed with, and the bill considered as engrossed, it was read a third time forthwith, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Everett presented the memorial of George F. Sallee, praying the passage of a law relinquishing any right which the State of Alabama may have to a certain lot in the city of Mobile; which was read and referred to a select committee, to consist of messrs Everett, Durand and Gayle, to consider and report thereon.

Mr Clark, from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of La Grange, and vicinity, praying the passage of a law prohibiting the licensing of individuals for the purpose of retailing spirituous liquors within said village, reported that it is inexpedient to legislate on the subject: in which report the House concurred.

Mr Durand, from the judiciary committee to which was referred a resolution requiring them to inquire into the expediency of authorizing sheriffs to take and approve bonds for the appearance of defendants taken by writs of Capias for misdemeanors, reported a bill to be entitled an act to authorize and require the sheriffs of the several counties in this State, and their deputies to take recognizances of bail in the cases therein specified; which was read and ordered to a second reading on Monday next.

Mr Clark, from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of Mobile, praying the passage of a law appointing an auctioneer for that city, to attend punctually to the

sale of real estate, negroes, furniture, &c., withinsaid city, reported that it is inexpedient to legislate thereon: in which report the House concurred.

Mr George introduced a bill to be entitled an act for the relief of the Florence Artillery; which was read a first time: and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and the rule being further dispensed with, the bill was considered as engrossed, and read a third time forthwith, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Acklen made the following report: The committee on enrolled bills, have examined and found correctly enrolled, an act relating to the acknowledgement of deeds and relinquishment of dower; which originated in this House.

Mr Baker, from the select committee to which was referred the petition of sundry citizens of the town of Montgomery, praying to be incorporated under the name and style of the fire engine company, reported a bill to be entitled an act to incorporate the Montgomery fire engine company; which was read a first time: and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and the rule being further dispensed with, the bill was considered as engrossed, and read a 3d time forthwith, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Clark offered the following resolution: *Resolved*, that the Alabama State colonization society have leave to hold their annual meeting in the Representative Hall at half past six o'clock on Monday evening next. The previous question was called for by Mr Brodnax: the previous question was then demanded by a majority of the members present: when the said previous question was put, viz. Shall the main question be now put? and passed in the affirmative: and the main question was on the adoption of the resolution, and carried. Yeas 32—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Speaker, Acklen, Barclay, Boyd, Brown, Chiles, Clark, Coopwood, Durand, Gayle, Gilbreath, Hickman, Hodges Hogan, Hogg Horton, King, of J. King of M. Langford, Lawler, Lea, Mardis, Massey, Moore of M. Murphree, Musgrove, Philpott, Price, Ratker, Riddle, Richardson and Sanders.*

Those who voted in the negative are, messrs *Baker, Brodnax, Clough, Collins, Cook, Cunningham, Dillahunty, Dillett, Everett, Faulk, Harris, Herbert, Hudson, Jackson, King of P. Lane M'Collum, M'Vay, Metcalfe, Moore of W. Oliver, Roberts, Ross, Rugeley, Stephens, Taylor, Townsend, Walker, Ward and Williams.*

Mr Riddle called up the bill entitled an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens. approved Jan. 20th, 1830, for the purpose of placing it among the orders of the day; which was carried.

Mr Everett moved to suspend the orders of the day; which was lost.

The House then proceeded to the consideration of the orders of the day.

The bill from the Senate entitled an act further to provide against frauds in the packing of cotton; which was read a second time. Mr Everett moved to amend the 10th section be striking out the words *resident clergymen of the plave*, with the view to insert the words *vice-counsul or commercial agent of the United States*; which was carried. Mr M'Vay moved that the bill be referred to a select committee, with instructions to report on Monday morning next; which was carried: whereupon, messrs M'Vay, Moore of M. and Everett were appointed said committee.

A message from the Governor by James I. Thornton:

January 1st, 1831.

Mr Speaker—I am requested by the Governor to inform your honorable

body that he did, on the 31st ultimo, approve and sign the following bills: an act to amend the act regulating judicial proceedings; joint resolution, requiring the Secretary of State, Comptroller of Public Accounts or State Treasurer to administer the oaths of office to the members of the General Assembly; memorial of the General Assembly of the State of Alabama to the honorable the Senate and House of Representatives of the U. States in Congress assembled: all of which originated in the House of Representatives.

The engrossed bill entitled an act to regulate the time of payment for lands sold by the State of Alabama at the land office in Courtland, was read a third time and passed. *Ordered*, that the title of the bill be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to continue in force and amend an act entitled an act to provide for reporting the decisions of the Supreme Court, was read a second time and referred to the judiciary committee, to consider and report thereon.

The bill from the Senate entitled an act for the relief of the tax collector of Walker county for the year 1830, was read a second time. Mr Rather moved to amend the title by striking out the words *John Heard*, to insert the words *tax collector*; which was carried: and the rule requiring bills to be read on three several days being dispensed with, the bill was then read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill entitled an act to authorize Samuel Woodruff to erect a mill and other water works on Cahawba river, was read a second time: and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, and read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to compensate Thomas Morong for certain services therein named was read a second time. Mr Hudson moved that the bill be referred to the committee on accounts, with instructions to make an allowance in the general appropriation bill; which was carried.

On motion of Mr Herbert: *Resolved*, that the Senate be informed that the House is now ready to receive them and proceed to the election of a judge of the County Court of Fayette county, and two Trustees for the University of Alabama in each judicial circuit in this State.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two Houses then proceeded to the election of a judge of the County Court for Fayette county; P. W. Wilson being in nomination.

Those who voted for Mr Wilson are, Mr President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell Smith, Vining, Walthall.—Reprs. Mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Cook, Coopwood, Cunningham, Dillahunt, Dillett, Durand, Everett, Faulk, Gayle, George, Gilbreath, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, McCollum, McVay, Metcalfe, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Roberts, Ross, Rugeley, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

P. W. Wilson having received all the votes present, was declared by Mr Speaker to be duly elected judge of the county court of Fayette county. The two Houses then proceeded to elect two Trustees of the University of Alabama from the first judicial circuit; Robert G. Gordon, Ptolemy T. Harris and John B. Hogan being in nomination. The vote stood thus: for Mr Gordon 40; Mr Harris 80; Mr Hogan 54.

Those who voted for mr Gordon are, messrs Abercrombie, Anderson, Bridges, Hemphill, Jackson, Merriwether, Morton, Perry, Pickett and Vining.—Reps. mr Speaker, Acklen, Baker, Brodnax, Cook, Dillett, Durand, Everett, Herbert, Jackson, King of J. King of P. Lane, Mardis, McCollum, Metcalfe, Moore of W. Murphree, Musgrove, Oliver, Philpot, Riddle, Richardson, Roberts, Ross, Rugeley, Stevens, Taylor, Townsend and Young.

Those who voted for mr Harris are, messrs President, Abercrombie, Anderson, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Morton, Perry, Powell, Smith, Walthall.—Reps. mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Cook, Coopwood, Cunningham, Dillahunty, Dillett, Durand, Everett, Faulk, Gayle, George, Gilbreath, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of M. Lane, Langford, Lawler, Lea, Mardis, Massey, McCollum, McVay, Metcalfe, Moore of M. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Richardson, Roberts, Ross, Rugeley, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

Those who voted for mr Hogan are, messrs President Bridges Conner Crawford Dupuy Edmondson Garth Hubbard Irwin Merriwether Pickett Powell Smith Vining Walthall.—Reps. Barclay Boyd Brown Chiles Clark Clough Colter Collins Coopwood Cunningham Dillahunty Faulk Gayle George Gilbreath Hickman Hodges Hogan Hogg Horton Hudson Kilpatrick King of M. King of P. Langford Lawler Lea Massey McVay Moore of M. Moore of W. Price Rather Riddle Sanders Shortridge Walker Ward and Williams.

Ptolemy T. Harris and John B. Hogan having received a majority of votes, were declared by mr Speaker to be duly elected Trustees of the University of the State of Alabama from the first judicial circuit for the ensuing three years. The two Houses then proceeded to elect two Trustees of the University from the second judicial circuit; Thomas Crawford, George Philips and Richard B. Walthall, being in nomination. The votes stood thus: for mr Crawford 54; mr Walthall 61; mr Philips 57.

Those who voted for mr Crawford are messrs Bridges Dupuy Garth Hogan Hubbard Merriwether Morton Pickett Powell Smith Vining.—Reps. Baker Barclay Boyd Chiles Clark Clough Collins Coopwood, Dillahunty Durand Gayle Gilbreath Hickman Hodges Hogan Hogg Horton Hudson Kilpatrick King of J. King of M. King of P. Langford Lawler Mardis Massey McCollum McVay Metcalfe Moore of W. Murphree Musgrove Philpot Price Riddle Richardson Shortridge Stevens Townsend Walker Williams and Young.

Those who voted for mr Walthall are messrs President Abercrombie Anderson Bridges Conner Dupuy Edmondson Garth Hemphill Hogan Irwin Jackson Merriwether Perry Powell Smith Vining.—Reps. mr Speaker Acklen Brodnax Brown Clark Coker Collins Cook Coopwood Cunningham Dillahunty Dillett Everett Faulk Gayle Gilbreath Harris Herbert Hickman Hodges Horton Jackson Kilpatrick King of M. Lane Langford Lea Massey McVay Metcalfe Moore of M. Musgrove Oliver Philpot Rather Roberts Ross Rugeley Sanders Stevens Taylor Walker Ward and Williams.

Those who voted for mr Phillips are messrs Abercrombie Anderson Conner Edmondson Hemphill Hubbard Irwin Jackson Morton Perry Pickett.—Reps. messrs Speaker Acklen Baker Barclay Boyd Brodnax Brown Chiles Clough Coker Cook Cunningham Dillett Durand Everett Faulk Harris Herbert Hogan Hogg Hudson Jackson King of J. King of P. Lane Lawler Lea Mardis McCollum Moore of M. Moore of W. Murphree Oliver Price Rather Riddle Richardson Roberts Ross Rugeley Sanders Shortridge Taylor Townsend Ward and Young.

Richard B. Walthall and Dr George Phillips having received a majority of votes, were declared by mr Speaker to be duly elected Trustees of the University of Alabama from the second judicial circuit for the ensuing three years. The two Houses then proceeded to the election of two Trustees of the University from the third judicial circuit; Samuel W. Mardis, George Starr and Dr Willis Pope being in nomination. The votes stood thus: for mr Mardis 67; mr Starr 65; mr Pope 39.

Those who voted for mr Mardis are mr President Abercrombie Anderson Bridges Conner Crawford Dupuy Edmondson Garth Hubbard Irwin Jackson Morton Perry Pickett.—Reps. Speaker Acklen Baker Barclay Boyd Brodnax Brown Chiles Clark Coker Cook Coopwood Dillett Durand Everett Faulk Gilbreath Harris Herbert Hickman Hodges Hogan Hogg Jackson Kilpatrick King of J. King of M. King of P. Lane Langford Lawler Massey McCollum McVay Metcalfe Moore of M. Moore of W. Murphree Oliver Philpot Price Rather Richardson Roberts Rugeley Sanders Taylor Townsend Walker Ward Williams and Young.

Those who voted for Mr Starr are messrs President Abercrombie Anderson Conner Crawford Dupuy Edmondson Garth Hemphill Hogan Irwin Jackson Merriwether Morton Powell Smith Vining Walthall.—Reps. messrs Speaker Acklen Baker Barclay Brodnax Brown Clark Clough Collins Cook Cunningham Dillahunty Dillett Durand Gayle Harris Hickman Hodges Hogan Hogg Horton Hudson Jackson King of M. Lawler Massey McCollum McVay Moore of M. Murphree Musgrove Rather Riddle Richardson Roberts Ross Rugeley Sanders Shortridge Stevens Taylor Townsend Walker Ward Williams and Young.

Those who voted for Mr Pope are messrs Bridges Hemphill Hogan Hubbard Merriwether Perry Pickett Powell Smith and Walthall.—Reps. messrs Boyd Chiles Clough Coker Collins Coopwood Cunningham Dillahunty Everett Faulk Gayle Gilbreath Horton Hudson Kilpatrick King of J. King of P Lane Langford Lea Moore of W. Musgrove Oliver Philpot Price Riddle Ross Shortridge and Stevens.

Samuel W. Mardis and George Starr having received a majority of votes, were declared by Mr Speaker to be duly elected Trustees of the University of Alabama, from the third judicial circuit, for the ensuing three years.

The two Houses then proceeded to the election of two Trustees of the University from the fourth judicial circuit; David Hubbard and Wm. Richardson being in nomination. For Mr Hubbard 80; Mr Richardson 83 votes.

Those who voted for Messrs Hubbard and Richardson are, Mr President Abercrombie Anderson Bridges Conner Crawford Dupuy Edmondson Garth Hemphill Hogan Irwin Merriwether Morton Perry Pickett Powell Smith Vining Walthall.—Reps. Mr Speaker Acklen Baker Barclay Boyd Brodnax Chiles Clark Clough Coker Collins Cook Coopwood Cunningham Dillahunty Dillett Durand Everett Faulk Gayle Gilbreath Harris Herbert Hickman Hodges Hogan Hogg Horton Hudson Jackson Kilpatrick King of J. King of P. Lane Langford Lawler Lea Mardis Massey M'Collum Metcalfe Moore of M. Moore of W. Murphree Musgrove Oliver Philpott Rather Riddle Roberts Ross Rugely Sanders Shortridge Taylor Townsend Walker Ward Williams and Young.

In addition to the above, Messrs Brown M'Vay and King of M. voted for Mr Richardson.

David Hubbard and William Richardson having received a majority of the whole number of votes, were declared by Mr Speaker to be duly elected Trustees of the University of Alabama, from the fourth judicial circuit, for the ensuing three years.

The two Houses then proceeded to elect two Trustees of the University of Alabama, from the fifth judicial circuit; Jesse W. Garth and William Acklen being in nomination.

Those who voted for Messrs Acklen and Garth are, Mr President Abercrombie Anderson Bridges Conner Crawford Dupuy Edmondson Hemphill Hogan Hubbard Irwin Merriwether Morton Perry Pickett Powell Smith Vining Walthall.—Reps. Mr Speaker Barclay Brodnax Boyd Brown Chiles Clark Clough Coker Collins Cook Coopwood Cunningham Dillahunty Dillett Durand Everett Faulk Gayle Harris Herbert Hickman Hodges Hogan Hogg Horton Hudson Jackson Kilpatrick King of J. King of M. King of P. Lane Langford Lawler Lea Mardis Massey M'Collum M'Vay Metcalfe Moore of M. Moore of W. Murphree Musgrove Oliver Philpott Rather Riddle Richardson Ross Rugely Sanders Shortridge Stevens Taylor Townsend Walker Ward Williams and Young.

Jesse W. Garth and William Acklen having received all the votes present, were declared by Mr Speaker to be duly elected Trustees of the University of Alabama, from the fifth judicial circuit, for the ensuing three years.

The two Houses then proceeded to elect two Trustees of the University from the sixth judicial circuit; William Hemphill, John Gindrat and Henry Goldthwaite being in nomination. For Mr Hemphill 76; Mr Gindrat 59; Mr Goldthwaite 33.

Those who voted for Mr Hemphill are, Mr President Abercrombie Anderson Conner Crawford Dupuy Edmondson Garth Hogan Hubbard Irwin Jackson Merriwether Morton Perry Powell Smith Walthall.—Reps. Mr Speaker Acklen Baker Barclay Brown Collins Clough Coker Chiles Cook Coopwood Cunningham Dillahunty Durand Everett Faulk Gayle George Gilbreath Harris Herbert Hickman Hodges Hogan Hogg Horton Hudson Jackson King of J. King of M. King of P. Lane Langford Mardis Massey M'Collum M'Vay Metcalfe Moore of M. Moore of W. Murphree Musgrove Oliver Philpott Price Rather Riddle Richardson Roberts Ross Rugely Sanders Stevens Taylor Townsend Walker Ward and Young.

Those who voted for mr Gindrat are, messrs Abercrombie Anderson Bridges Conner Dupuy Edmondson Garth Hubbard Irwin Jackson Morton Perry Pickett Powell Walthall.—Reps. mr Speaker Baker Barclay Boyd Brodnax Coker Collins Cook Durand Everett George Harris Herbert Hickman Horton Hudson Jackson King of J. King of P. Lane Langford Lawler Lea Mardis Massey M'Collum Moore of W. Murphree Oliver Philpott Price Rather Richardson Roberts Ross Rugely Sanders Stevens Taylor Townsend Walker Ward Williams and Young.

Those who voted for mr Goldthwaite are, mr president bridges crawford hogan merriwether rickett smith.—Reps. messrs Acklen Boyd Brodnax Brown Chiles Clark Clough Coopwood Cunningham Pillaunt Faulk Gayle Gilbreath Hodges Hogan Hogg King of M. Lawler Lea M'vay Metcalfe Moore of M. Musgrove Riddle Shortridge and Williams.

William Hemphill and John Gindrat having received a majority of votes, were declared by mr Speaker to be duly elected Trustees of the University of Alabama, from the sixth judicial circuit for the ensuing three years.

The two Houses then proceeded to elect two Trustees of the University, from the seventh judicial circuit; Quin Morton, John C. Kilpatrick and Robert Jemison being in nomination. For mr Morton 63; mr Kilpatrick 63; mr Jemison 37; mr Godley 1; mr Harrington 1.

Those who voted for mr Morton are, mr president Abercrombie Anderson Bridges Conner Crawford Dupuy Edmondson Garth Hemphill Hubbard Irwin Jackson Merriwether Perry Pickett Powell Smith Walthall.—Reps. messrs Baker Boyd Brodnax Chiles Clark Clough Coker Coopwood Pillaunt Durand Everett George Harris Hickman Hodges Hogg Horton Hudson Jackson King of J. King of P. Lane Langford Lawler Lea Mardis Metcalfe Moore of M. Moore of W. Murphree Oliver Philpott Price Rather Roberts Ross Rugely Sanders Taylor Townsend Walker Ward Williams and Young.

Those who voted for mr Kilpatrick are, mr president Abercrombie Bridges Crawford Dupuy Edmondson Garth Hogan Hubbard Irwin Perry Pickett Smith Vining Walthall.—Reps. Baker Barclay Boyd Brodnax Brown Chiles Clark Clough Coker Collins Coopwood Cunningham Pillaunt Durand Faulk Gayle George Gilbreath Harris Hickman Hodges Hogan Hogg Horton Hudson Jackson King of J. King of M. King of P. Lawler Lea Massey M'Collum M'vay Moore of M. Moore of W. Murphree Musgrove Rather Riddle Rugely Sanders Shortridge Stevens Townsend Walker Ward and Williams.

Those who voted for mr Jemison are, messrs Anderson Conner Hemphill Jackson Merriwether Powell Vining.—Reps. mr speaker Barclay Brown Collins Cunningham Everett Faulk Gayle Gilbreath Herbert King of M. Lane Langford Mardis Massey M'Collum M'vay Metcalfe Musgrove Oliver Philpot Price Riddle Roberts Ross Shortridge Stevens Taylor and Young.

Mr Speaker voted for mr Godley. Mr Herbert voted for Mr Harrington.

Quin Morton and John C. Kilpatrick having received a majority of votes, were declared by mr Speaker to be duly elected Trustees of the University of Alabama, from the seventh judicial circuit, for the ensuing three years.

The Senate withdrew, and then the House adjourned to Monday morning at 9 o'clock.

Monday, Jan. 3, 1831.—The House met pursuant to adjournment.

A message from the Senate by mr Gayle: Mr Speaker—The Senate concur in all the amendments made by your honorable body to the bills which originated in their House, entitled an act to authorize the forty-sixth regiment of Alabama militia to form a company beat with a less number than forty privates, in the county of Dale; and an act supplemental to an act entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river; and for other purposes. They have also read three several times and passed bills of the following titles, to wit: an act to appoint an additional surveyor for the county of Lawrence; an act to authorize Henry Taylor, of Wilcox county, to emancipate a slave therein named; an act to change the name of a certain person therein named; an act to authorize William Jordan to keep a ferry on Bassett's creek without a license; an act to establish a public ferry in Madison county; and, an act for the relief of the tax collector of Wilcox county: in all of which they ask the concurrence of your honorable body.

The bill from the Senate entitled an act to appoint an additional survey-

or for the county of Lawrence, was read a first time : and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to the members from Lawrence and Franklin counties with instructions to report to-morrow.

The bill from the Senate entitled an act to authorize Henry Taylor, of Wilcox county, to emancipate a slave therein named, was read a first time : and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to the committee on propositions and grievances, to consider and report thereon.

The bill from the Senate entitled an act to change the name of a certain person therein named, was read a first time : and the rule requiring bills to be read on three several days being dispensed with, it was then read a 2d time forthwith, and the rule being further dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Bills from the Senate of the following titles, to wit: an act to authorize William Jordan to keep a ferry on Bassett's creek without a license; and, an act to establish a public ferry in the county of Madison, were severally read and ordered to a second reading to-morrow.

The bill from the Senate entitled an act for the relief of the tax collector of Wilcox county, was read a first time : and the rule requiring bills to be read on three several days being dispensed with, it was then read a 2d time forthwith. Mr Brown moved that the bill be referred to the committee on propositions and grievances; which was carried.

Mr Hudson, from the committee on propositions and grievances to which was referred the certificate of the judge and commissioners of revenue and roads of Blount county, certifying lists of insolvencies and improper assessments allowed to Caleb Murphree, tax collector for that county, for the years 1827 and 1828, reported that said insolvencies so far as the State is concerned, ought to be allowed, and that they recommend that the same be referred to the committee on accounts to report an appropriation therefor. Mr Hudson moved that the account be referred to the committee on accounts with instructions to make the allowance claimed; which was carried.

Mr Hudson, from the committee on propositions and grievances to whom was referred a bill to be entitled an act to authorize the emancipation of certain slaves therein named; as also the petitions of Solomon Spence, Daniel M'Leod, Winslow Foster and R. D. Shackelford, praying the emancipation of slaves, reported the same with an amendment; in which amendment the House concurred. The bill was then ordered to be engrossed for a third reading to-morrow.

Mr Hudson made the following report: The committee on propositions and grievances to whom was referred the petition of Collin Bishop, representing his services in the Creek war, and his loss of health by reason of said service, and praying for the passage of a law allowing him the privilege of selling by auction sales or otherwise, such goods as he may from time to time be enabled to purchase, free from taxation, in the several counties in this State, have according to order had said petition under consideration, and are of opinion that the loss of health by the petitioner while in his country's service, and the subsequent continuation of low health from that cause presents a fit case to authorize the grant of an exclusive privilege.

The same committee reported a bill to be entitled an act for the relief of Collin Bishop; which was read a first time : and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to the judiciary committee with instructions to report to-morrow.

The same committee to whom was referred a resolution instructing them to inquire into the expediency of regulating by law the rates of wharfage in the city of Mobile, reported a bill to be entitled an act to regulate the rates of wharfage in the city of Mobile; which was read a first time: and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to the judiciary committee.

Mr Lawler, from the committee on roads, bridges and ferries, to which was referred the petition of sundry citizens of Shelby county, praying the passage of an act amendatory of an act therein mentioned, reported a bill to be entitled an act to amend an act entitled an act to establish a road from M'Murray's old saw mill on Shades creek in Jefferson county, to Chas. Mundiene's, in Shelby county; which was read a 1st time and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, the bill was considered as engrossed and read a 3d time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Durand, from the committee on inland navigation to which was referred the bill entitled an act to authorize James Vest, of Morgan county, to erect a dam across Flint river, in said county, reported the same without amendment: and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, and read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Speaker laid before the House the memorial of George N. Stewart in relation to the reports of the decisions of the Supreme Court; which was read and referred to the judiciary committee, to consider and report thereon.

Mr Rather, from the committee on privileges and elections to which was recommitted a bill to be entitled an act to discontinue and establish certain election precincts therein specified, reported a substitute in lieu thereof.— Mr Coopwood moved that the bill lie on the table; which was lost. The bill was postponed and made the special order of the day for to-morrow.

Mr Gayle asked that William M. Marr have leave to withdraw his petition; which was granted.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to establish an academy in the county of Mobile; and a memorial to the Congress of the United States in relation to public lands: all of which originated in the House.

Mr Gayle, from the select committee to which was referred the memorial of Samuel Pickens, late comptroller of public accounts, reported a bill to be entitled an act to make an appropriation therein named; which was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was then read a second time forthwith. Mr Roberts moved that the bill be referred to the committee on ways and means; which was lost. Mr Gayle moved that it be read a third time forthwith; which was lost. Mr Moore of M. moved to commit it to the committee on accounts, with instructions to make the allowance as claimed; which was lost. The bill was then ordered to be engrossed and made the special order of the day for Wednesday next.

Mr Gayle made the following report: The committee on education to which was referred so much of the message of his Excellency as relates to the circular of the board of trustees of the Rhode Island historical society, have had the same under consideration, and entertain the most favorable views of the sentiments contained in the said circular. The particular

object of the society is highly laudable, being no other than to obtain documents from England to assist in forming a correct history of the early settlement of our common country.

The same committee, reported a joint resolution instructing our Senators and asking our Representatives in Congress, to afford their aid to the Rhode Island historical society, to enable them to obtain from England such documents as relates to the early history of the United States; which was read. Mr Coopwood moved that the further consideration of the resolution be postponed to the 1st day of March next; which was carried.

Mr Mardis, from the select committee to which was referred a resolution requiring them to inquire into the expediency of passing a prospective law laying off this State into additional Congressional districts, reported a bill to be entitled an act to provide for the holding an election for Representatives to Congress, and for other purposes; which was read; and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith and referred to a select committee to consist of seven members, whereupon messrs Coopwood, Moore of M. Horton, Mardis, Oliver, Philpott, Dillet and Young were appointed said committee.

Mr Baker made the following report: The select committee to which was referred that part of his Excellency's message, transmitting the resolutions of the State of Mississippi, claiming the right to the waste lands within said State have had the same under consideration, and have instructed me to report, that they have bestowed upon the subject that attention which its importance demanded, and have been unable to discover any tenable ground upon which the General Government can claim to hold the waste lands within this State. Your committee will only notice some of the prominent points which are involved in the subject matter, and which have induced them to the conclusion, that the State of Alabama is the sole and exclusive owner of the lands in question. The declaration of the 4th of July, '76, declared the States not only independent of the crown of Great Britain, but also independent of each other; and the treaty of '83 was only a compulsion of Great Britain to an acknowledgement of that right. By the establishment of their independence, the States became owners of the soil, and sovereign within their respective limits. In 1776, the time at which the right of soil passed to the States respectively, there was not even a confederated head. Each State was a distinct sovereignty; and had they so chosen, might have continued. Had the Union not taken place, no doubt can exist but that each State would have retained to herself the ownership of the soil within its respective bounds. The confederation did not take place until '77; and no powers were then conferred except those expressly delegated. The object in forming the confederacy, was for the purposes of the common defence; and every power necessary for that object was given. But those powers were not left to conjecture. It was expressly declared, that no powers were given but those expressly named. Your committee look in vain among those delegations of power, for the article which conveys to the General Government the right of soil; but they confess their search has been fruitless. No such right is ceded; and the right of the Government can be supported on no other ground than the exercise for a few years of the right claimed, which, in the opinion of your committee, is a ground that a just and magnanimous government would not rely upon.

The idea of sovereignty forbids the supposition, that the General Government could be owners of the soil. The right of soil and jurisdiction are too intimately connected to be separated. Without the right of soil no State can be sovereign. To be sovereign, means the right of acting without restriction, to have uncontrolled power over every thing within the territory claimed. To provide for the citizens of the country, and adopt measures for the improvement of it, is not only the province, but the duty of a sovereign. To the State of Alabama, in her sovereign character, does the citizen look for protection, and an advancement of his condition. On the State depends its own future improvement. But how can that improvement take place, in what manner can the condition of the citizens be benefitted, while Congress claims the right of disposing of the public lands? Our State is one purely agricultural, and in the land her wealth consists. The settling of the waste lands is a desirable object; and under the direction of the State, that object could soon be accomplished. It is not only good policy, but a law of nature, that man should have the earth to till, and on as easy terms as possible. A sovereign acting on these principles, would divide out the public lands so as to ensure its speedy and dense population. The State of Alabama acting in good faith to its citizens, would so do; but is pre-

vented by a more sovereign sovereign!! To admit the right in the General Government, is also to admit that the public lands might, for, all time to come, continue waste; and that Congress has the power to cripple a sovereign State, in all its attempts at improvement. Suppose Congress should refuse ever to sell any more of the public lands, or even to permit its settlement, would not the State be materially injured? and would not the extraordinary fact be presented, of one sovereign controlled in his empire by another sovereign, and each claiming to be independent? By no principle of the law of nations, as laid down in Vattel, can a State be said to be sovereign, which has not the two attributes of soil and jurisdiction; and if the General Government has the right of soil in the State of Alabama, so far from being a free, sovereign, and independent State, she is in mere colonial dependence on the government.

That neither Congress nor the thirteen old States regarded the crown lands as passing to the government, by the treaty of peace in '83, is evident, from the recommendations of Congress to the States in relation to those lands, and the cession by States, and acceptances by Congress of them. The cession by Virginia of the northwestern territory; by N. Carolina, of Tennessee; and by Georgia, of all her territory from the Chattahoochie to the Mississippi rivers, furnishes to your committee conclusive testimony that Congress regarded the right of soil as in the States, and that the States themselves never regarded it in any other light. And this brings them to the consideration of the cession made by Georgia in 1802.

The inducement to the cession should first be inquired into, so as to arrive at a correct understanding of the agreement itself. The vast extent of country inhabited by savages, extending to the river Mississippi, owned by the State of Georgia, admonished that State that its formation into distinct sovereignties could not be effected without the agency of the General Government. Congress could not form a new State of the territory, without the consent of Georgia; and Georgia could not form and admit a State into the Union. The Indian title to the soil could also not be destroyed, except by treaty; and the treaty-making power had by common consent been vested in the government; hence the necessity of a cession by Georgia to the United States. The terms of the agreement secured to Georgia a sufficient pecuniary compensation, and the great advantages to be derived from the formation of new States were no less moving inducements. In the act of cession, Georgia did not leave the General Government free to form a new State of the ceded territory, on the terms she might think proper; but by the 5th section of the 18th article of the articles of agreement, expressly stipulated, that when the territory should have sixty thousand free inhabitants it should be admitted into the Union upon the same footing with the thirteen old States. The act for the admission of Alabama into the Union, declares it to be upon the same footing with the old States. But your committee find that particular concessions were required as prerequisites to that admission—concessions in violation of the act of cession by Georgia, and in opposition to the Constitution of the United States. The thirteen old States had, as already shewn, the undoubted right to the soil; but the act for the admission of Alabama into the Union, required that this State should disclaim all right and title to the waste lands within her territory. With this restriction imposed upon her, if binding on the State, could Alabama be said to have been admitted into the Union in accordance with either the Constitution or the act of cession by Georgia? Previous to Alabama's acquiring 60,000 free inhabitants, the title of the soil was vested in the General Government in trust for the payment of the expenses incurred by the purchase from Georgia, and for the State, when she should throw off the shackles of territorial dependence. The moment Alabama was admitted into the Union, all right of the Government as trustee in the soil ceased; and that right, under the Constitution, became vested in the State government. The first part of the condition as trustee, "the defraying the expenses incurred by the purchase," has been accomplished; the latter part, however, of the trust, conveying the lands to the State government, has not been complied with.

Your Committee would not be understood to intimate, that this State has not been admitted into the Union as a free, sovereign, and independent State. All they intend is, that Congress, in the act of admission, made requirements in violation of the Constitution; but which, being unconstitutional, are consequently null and void; and that the act, so far as it follows the Constitution, is binding. The Government of the United States was formed for special purposes; and not having acquired the right of soil, in opposition to the old States, could not acquire it by gift, grant, or purchase from the new States. The State of Georgia could not have conveyed to the Government a fee simple title in the soil, for that would be depriving the State to be formed, of one of the attributes of sovereignty; neither can the State convey this title. A State cannot commit suicide, in other words, it cannot give or contract away any quality by which its sovereignty would be destroyed. It can legally do nothing which would interfere with the constitutional rights of the citizens. Nor can the General Government acquire this

right, by the passage of laws at the time of the territorial government; for that would be the creating a power for its own benefit in opposition to the Constitution, and to the destruction of the condition of cession.

But, it is argued, that the condition for the admission of this State into the Union, was the cession of the waste lands; and that the Convention accepted of the condition. We have shewn, that the State could not convey, and the necessary consequence is, the General Government could not accept. But suppose the State could convey, can Congress now exact that which was unconstitutionally demanded and obtained. If the State, at the time of its admission, was entitled to be so without the condition, is the unconstitutional exaction by Congress to be binding on the State? Or, to illustrate the proposition, suppose Congress had conditioned, as a prerequisite to the State's admission, that all negroes should be emancipated, and the Convention had accepted of the condition, will any one contend that the condition would be binding? If it would not, how can it be contended, that the present condition in relation to the lands is so? Your Committee are, therefore, of the opinion, that, inasmuch as the General Government did not acquire the right of soil by the Revolution, and could not after the adoption of the Constitution, that the act for the admission of Alabama into the Union is good and valid, except that part which requires the cession by this State of the waste lands; and that that part of it is null and void, and of no effect. Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That this General Assembly concur with the State of Mississippi in the opinion expressed by the Legislature of that State, in relation to the right of that State to the unappropriated lands within her boundaries.

Be it further resolved, That this State, being a sovereign State, has the exclusive right to the soil and domain of all the unappropriated lands within her acknowledged boundaries.

Be it further resolved, That our Senators be instructed, and our Representatives requested to use their best exertions to induce the General Government to acknowledge this right of the State.

Be it further resolved, That the Governor be requested to transmit a copy of the foregoing Report and Resolutions to each of our Senators in Congress; and also to the Executives of the States of Ohio, Indiana, Illinois, Missouri, Louisiana, Mississippi, and Georgia, with a request that the same may be laid before the Legislatures of their respective States.

MOSELEY BAKER, *Chairman.*

Mr Robert's moved that the report lie on the table, and that seventy-five copies be printed for the use of the House; which was carried.

It being 11 o'clock, Mr Acklen moved to suspend the orders of the day; which was carried.

Mr Everett, from the select committee to whom was referred the memorial of George F. Sallee, reported a bill to be entitled an act to quiet the claim to certain property in the city of Mobile therein named; which was read: and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith. Mr Hudson moved to refer it to the judiciary committee; which was carried.

Mr M'Vay, from the select committee to whom was referred the bill entitled an act further to provide against frauds in packing cotton, reported the following amendment: strike out the eleventh section; in which report the House concurred. It was ordered to be engrossed for a third reading to-morrow.

Mr Richardson, from the select committee to whom was referred a resolution to inquire into the expediency of passing a law to prohibit the emigration of free negroes from other States into this State, with instructions to report a bill, reported a bill to be entitled an act to prevent free negroes or persons of color from emigrating to this State, and for other purposes; which was read and ordered to a second reading to-morrow.

On motion of Mr Acklen: *Ordered*, that Mr Mobley have leave of absence until Wednesday next.

The report and resolutions on the tariff being under consideration, Mr Clark moved that the further consideration thereof be postponed and made the special order of the day for Wednesday next; which was carried.

Mr Young moved to suspend the orders of the day for the present; which was carried.

Mr Young made the following report: The Committee of the House of Representatives appointed to investigate the official conduct of Charles W. Peters, Judge of the County Court of Morgan county, and Matthew C. Houston, clerk of the County Court and register of the Orphans' Court of said county, have proceeded to discharge the duties assigned to them, and beg leave to report the journal of their proceedings, which will put the House of Representatives in possession of all the facts of the case as developed before the committee; and have further instructed me to report the following resolution to the House for their adoption: *Resolved*, that the evidence submitted to the committee does not justify the House of Representatives in preferring articles of impeachment against Charles W. Peters, judge of the County Court of Morgan county, nor authorize them to address the Governor, recommending the removal of the said judge from office; nor does the evidence submitted authorize the House to prefer articles of impeachment against Matthew C. Houston, the clerk of the County Court and register of the Orphans' Court of Morgan county; all of which is most respectfully submitted.

Mr Clark moved that the further consideration of the report and resolution be postponed till 3 o'clock p. m.; which was carried.

The House then resumed the consideration of the orders of the day.

The bill entitled an act making an appropriation for the payment of the claims of J. Cantley, jailor of Jefferson county, was read a second time and referred to the committee on accounts to consider and report thereon.

The engrossed bill from the Senate entitled an act more effectually to secure trials in capital cases by impartial jurors, was read the third time and passed. Yeas 44—Nays 18.

The yeas and nays being desired those who voted in the affirmative are messrs Speaker Baker Barclay Boyd Brodsax Brown Chiles Clough Coker Collins Cunningham Dillahunty Faulk Gayle George Harris Herbert Hogan Horton Hudson Jackson Kilpatrick King of J. King of M. King of P. Lane Langford Massey McCol- lumb McVay Metcalfe Moore of M. Moore of W. Murphree Musgrove Oliver Price Ross Rugeley Shortridge Stephens Townsend Walker and Ward.

Those who voted in the negative are messrs Acklen Clark Coopwood Dillett Durand Hickman Hodges Lawler Lea mardis Philpott Rather Riddle Richardson Roberts Sanders Taylor and Williams.

The report from the committee on roads, bridges and ferries upon the subject of selling the public ferries owned by the State, across the Cahawba and Alabama rivers at the town of Cahawba, being under consideration, Mr Taylor moved that it lie on the table; which was carried.

The bill entitled an act to abolish imprisonment for debt, was read a second time and ordered to be engrossed for the third reading on to-morrow.

The engrossed bill from the Senate entitled an act to authorize the register of the land office at Courtland to correct mistakes in the prices of lands. The report of the committee on said bill under consideration.—Mr Coopwood moved that the report lie on the table; which was carried. The bill was then referred to a select committee, consisting of messrs Coopwood, Taylor and Hudson, to consider and report thereon.

The bill from the Senate entitled an act providing for the completion of the State Capitol, was read a second time. Mr Clark moved that the bill be referred to the committee on the State Capitol, to consider and report thereon; which was carried.

And then the House adjourned till three o'clock, p. m.

Evening Session, 3 o'clock P. M.—The House met pursuant to adjournment.

Mr Hudson, who voted in the majority on the commitment of the bill

from the Senate entitled an act to authorize the register of the land office at Courtland to correct mistakes in the prices of lands, moved to reconsider the vote; which was carried.

Mr Moore of M. then moved that the bill be indefinitely postponed; which was lost. Yeas 12—Nays 50.

The yeas and nays being desired, those voted who in the affirmative are messrs Speaker, Acklen, Brown, Collins, Chiles, Dillett, Herbert, King of J. King of M. Lawler, Moore of M. and Musgrove.

Those who voted in the negative are messrs Baker, Boyd, Brodnax, Clark, Clough, Coker, Cook, Coopwood, Cunningham, Dillahunty, Durand, Everett, Gayle, George, Harris, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of P. Lane, Langford, Lea, Mardis, Massey, McCollum, M'Vay, Metcalfe, Moore of W. Murphree, Oliver, Philpott, Price, Rather, Riddle, Richardson, Ross, Rugeley, Sanders, Shortridge, Stephens, Taylor, Townsend, Walker, Ward and Williams.

Mr Williams in the chair, and decided, that according to the rules of House, a bill could not be recommitted after having been read a third time; from which opinion and decision of mr Chairman, mr Coopwood appealed, and the decision of mr Chairman was sustained. Mr Sanders then moved that the bill lie on the table; which was carried.

The House resumed the consideration of the report and resolution of the investigating committee in the case of Peters and Houston. Mr Clark moved that the memorialist and the parties accused, have leave to appear at the bar of the House by their counsel; which was carried. Yeas 39—Nays 19.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Acklen, Brown, Chiles, Clark, Cook, Coopwood, Cunningham, Dillahunty, Dillett, Durand, Everett, Gayle, George, Harris, Hickman, Hogan, Horton, Kilpatrick, King of J. King of P. Lane, Lawler, Lea, Mardis, Massey, M'Vay, Moore of W. Musgrove, Philpott, Riddle, Roberts, Ross, Rugeley, Sanders, Shortridge, Stephens, Taylor and Williams.

Those who voted in the negative are, messrs Baker, Boyd, Brodnax, Coker, Collins, Herbert, Hogg, Hudson, Jackson, King of M. Langford, McCollum, Metcalfe, Moore of M. Oliver, Richardson, Townsend, Walker and Ward.

Mr Speaker decided, that agreeably to the report of the committee, messrs Peters and Houston have the affirmative side of the question; from which decision mr Clark appealed, and the question decided by yeas and nays. Yeas 33—Nays 20.

The yeas and nays being desired, those who voted in the affirmative are, messrs Acklen, Baker, Brodnax, Brown, Collins, Coker, Dillett, Everett, Harris, Herbert, Hickman, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of M. King of P. Lane, Mardis, Massey, McCollum, Moore of M. Murphree, Musgrove, Oliver, Philpott, Richardson, Roberts, Ross, Rugeley, Sanders and Townsend.

Those who voted in the negative are messrs Boyd, Chiles, Clark, Coopwood, Cunningham, Dillahunty, Durand, Gayle, George, Hogan, Lawler, Lea, M'Vay, Metcalfe, Moore of W. Riddle, Shortridge, Walker, Ward and Williams.

So the decision of mr Speaker was sustained.

Mr Herbert moved that messrs Hodges and Rather be excused from voting upon the question now under consideration; which was carried.

Mr Coopwood moved that the House disagree to the report and resolution. Mr Baker moved that the report and resolution be postponed, and made the special order of the day for to-morrow; which was lost.

The House then adjourned until to-morrow morning at 9 o'clock.

Tuesday, January 4, 1831.—The House met pursuant to adjournment.

Mr Hudson moved a call of the House, when the following members answered to their names, viz:

Messrs Speaker, Chiles, Coker, Collins, Dillahunty, Durand, Everett, Herbert, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. Lane, Langford, Lawler, M'Vay, Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Richardson, Sanders, Stephens, Taylor, Townsend, Ward and Williams.

A quorum then assembled, and the House proceeded to business.

Mr Musgrove presented the memorial of Ulysses T. Cleveland, praying compensation for apprehending Peter Jones, charged with horse stealing; which was read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr Dillett, from the judiciary committee, made the following report: The judiciary committee, by order of the House, have had under consideration an engrossed bill from the Senate, to be entitled an act concerning dower, and have instructed me to report that it is inexpedient to pass the bill. Mr Richardson moved that the bill be indefinitely postponed; which was carried. Yeas 24—Nays 23.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Baker, Chiles, Cook, Dillahunty, Dillett, Durand, Everett, Gilbreath, King of J. Lane, Lawler, Mardis, M'Vay, Moore of M. Philpott, Price, Rather, Richardson, Roberts, Sanders, Stephens, Taylor and Williams.

Those who voted in the negative are, messrs Boyd, Brodnax, Brown, Coker, Collins, Cunningham, George, Herbert, Hodges, Hogan, Hall, Horton, Hudson, Jackson, Langford, M'Collum, Moore of W. Murphree, Musgrove, Oliver, Townsend, Walker and Ward.

Mr Dillett made the following report: The judiciary committee have examined a bill to be entitled an act to deduct from the salaries of public officers, certain sums for failure or neglect of duty, and have instructed me to report that it is inexpedient to pass said bill; in which report the House concurred. *Ordered*, that the bill lie on the table.

A message from the Senate by mr Gayle: mr Speaker—The Senate have instructed me to inform you that they have concurred in the several amendments made by your honorable body, to bills which originated in their House, entitled an act for the relief of the tax collector of Walker county, for the year 1830; and an act to incorporate Cahawba Academy, in the county of Dallas. They have read three several times and passed a bill which originated in the House of Representatives, entitled an act to regulated the time of payment for lands sold by the State of Alabama, at the land office in Courtland. They have also read three several times and passed bills which originated in their House, of the following titles, to wit: An act for the relief of C. B. Rountree, of Lauderdale county; an act to compensate Henry Tuttle, for apprehending a horse thief; an act to annex a part of Monroe county to the county of Butler; and an act to authorize the guardian of the minor heirs of James Lovin, late of St. Clair county, deceased, to sell the real estate which belonged to said decedent; in all of which they desire the concurrence of your honorable body. They have instructed me to inform you that they have laid on the table till the first day of March next, a bill which originated in the House of Representatives, entitled an act more effectually to secure the collection of the public revenue. The bill from the Senate entitled an act for the relief of C. B. Rountree, of Lauderdale county, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith and referred to the committee on propositions and grievances.

The bill from the Senate entitled an act to compensate Henry Tuttle, for apprehending a horse thief, was read a first time, and the rule requir-

ing bills to be read on three several days being dispensed with, the bill was read a second time forthwith, and on' motion of Mr Horton, was referred to the committee on propositions and grievances.

Bills from the Senate of the following titles, to wit: An act to annex a part of Monroe county to the county of Butler; and an act to authorize the Guardian of the minor heirs of James Lovin, late of St Clair county, deceased, to sell the real estate which belonged to said decedent, were severally read and ordered to a second reading to-morrow.

Mr Chiles, from the committee on county boundaries, to which was referred the petition of sundry citizens of the county of Marengo, praying an alteration of the boundary between said county and the county of Greene, reported a bill to be entitled an act to designate the boundary between the counties of Greene and Marengo; which was read and ordered to a second reading to-morrow.

Mr Dillett made the following report: The judiciary committee have examined an engrossed bill from the Senate, entitled an act for the relief of sheriffs serving process in the Indian Nation, and have directed me to report the same without amendment. The bill was then ordered to a third reading to-morrow.

Mr Dillett made the following report: The judiciary committee have had under consideration an engrossed bill from the Senate, to be entitled an act to exempt garnishees from the payment of costs in certain cases, and directed me to report the same inexpedient; in which report the House concurred. Mr Cook moved that the bill lie on the table; which was carried.

Mr Dillett made the following report: The judiciary committee in pursuance of the order of the House of Representatives, have had under consideration an engrossed bill from the Senate to be entitled an act to amend the laws relative to executors, administrators and guardians, and have instructed me to report, that it is inexpedient to pass the bill. Mr Dillett moved that the bill and report lie on the table; which was carried.

Mr Dillett made the following report: The judiciary committee have, in pursuance of the order of this House, had under consideration an engrossed bill from the Senate to be entitled an act to define the prison bounds of the several counties of this State, and have instructed me to report the same without amendment; the bill was then ordered to a third reading to-morrow.

Mr Dillett made the following report: The judiciary committee have examined an engrossed bill from the Senate to be entitled an act for the relief of Winifred Jameson, wife of John Jameson, and have instructed me to report the same without amendment. Mr Coopwood moved that the bill be indefinitely postponed; which was lost; the bill was then ordered to a third reading to-morrow.

Mr Dillett made the following report: The judiciary committee to whom was referred a bill to be entitled an act to continue in force an act entitled an act to provide for reporting the decisions of the Supreme Court, have had the same under consideration and have directed me to report the same to this House without amendment. Mr Gayle moved to recommit the bill to the judiciary committee; which was carried.

Mr Clark moved to suspend for the present the 24th rule of the House, which requires reports, &c. to be made; which was carried.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Acklen, Barclay, Boyd, Brown, Chiles, Clark, Clough, Collins, Cook, Cunningham, Dillett, Durand, Everett, Gayle, Gilbreath, Harris, Herbert, Hickman, Hogg, Kilpatrick, King of J. King of P. Lane, Lea, McVay, Metcalfe, Moore

of W. Oliver, Philpott, Richardson, Roberts, Ross, Rugely, Sanders, Shortridge, Taylor, Townsend, Walker, Ward and Williams.—41.

Those who voted in the negative are messrs Baker, Brodnax, Coopwood, Dillahunty, Horton, Hudson, Jackson, King of M. Langford, Lawler, Mardis, Massey, McCollum, Moore of M. Murphy, Masgrove and Price.—17.

On motion of mr Brodnax: *Ordered*, that mr Hall have leave of absence till Wednesday next.

The House then proceeded to the consideration of the orders of the day.

The House resumed the consideration of mr Coopwood's motion to disagree to the resolution reported by the select committee appointed to investigate the conduct of messrs Peters and Houston.

Mr Baker moved that the House adjourn until 3 o'clock this evening; which was carried.

And then the House adjourned.

Evening session, 3 o'clock.—The House met pursuant to adjournment.

The House resumed the consideration of mr Coopwood's motion to disagree to the resolution reported by the select committee appointed to investigate the conduct of messrs Peters and Houston. Mr Dillett moved that the further consideration thereof be postponed to half past two o'clock to-morrow; a division of the question being called for, the vote was first taken on postponement, and lost.

The House then adjourned until 9 o'clock to-morrow morning.

Wednesday, Jan. 5, 1831.—The House met pursuant to adjournment.

Mr Hudson moved a call of the House; which was lost.

Mr Brodnax, from the committee on county boundaries to which was referred the petition of sundry citizens of Wilcox county, praying to be attached to the county of Lowndes, reported it inexpedient to attach any part of Wilcox county to the county of Lowndes at this time: in which report the House concurred.

Mr Lawler, from the committee on roads, bridges and ferries, to which was referred a resolution instructing them to inquire into the expediency of passing a law to prevent shooting at targets on public highways, reported it inexpedient to legislate on the subject: in which report the House concurred.

Mr Lawler made the following report: The committee on roads, bridges and ferries have according to order had under consideration the bill from the Senate, entitled an act concerning the establishment of public ferries, and have instructed me to report that it would be inexpedient to pass said bill. Mr Clark moved that the report lie on the table; which was carried. Mr Lawler moved that the bill be indefinitely postponed; which was lost. Yeas 28—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Baker, Brodnax, Brown, Childs, Cook, Harris, Herbert, Hogg, Hudson, King of J. King of M. Lane, Lawler, Mardis, Massey, McVay, Moore of M. Moore of W. Murphy, Philpott, Rather, Riddle, Richardson, Ross, Rugely, Sanders and Taylor.

Those who voted in the negative are, messrs Acklen, Boyl, Clark, Clough, Coker, Collins, Coopwood, Daniel, Faulk, Gayle, Gilbreath, Hodges, Hogan, Horton, Jackson, Kimbrell, King of P. Langford, Lea, McCollum, Metcalf, Masgrove, Price, Shortridge, Stephens, Townsend, Walker, Ward and Williams.

Mr Gayle moved to postpone the further consideration of the bill until to-morrow; which was carried.

Mr Cook, from the committee on ways and means to whom was referred a bill to be entitled an act to amend the several acts concerning assessors and tax collectors, reported the same with an amendment, by striking out

all after the enacting clause, and by substituting an amendment in lieu thereof; which was adopted: the bill was then referred to a select committee, consisting of messrs Clark, Cook and Coopwood.

Mr Acklen made the following report: The committee on enrolled bills, have examined and found correctly enrolled, an act to regulate the time of payment for lands sold by the State of Alabama at the land office in Courtland; which originated in this House.

Mr Cook, from the committee on ways and means to whom was referred the report of the Comptroller of Public Accounts upon the seat of government fund, reported that a bill disposing of the subject embraced in said report is now before the House. They therefore ask leave to be discharged from the further consideration thereof; which was granted.

Mr Cook, from the committee on ways and means to whom referred sundry resolutions to inquire into the expediency of repealing or reducing the tax on cattle; of taxing clock pedlars; of requiring tax on land to be paid in the county where the land lies; and of amending the law in relation to tavern and retail licenses; together with the petition of Hosea Holcomb, tax collector of Jefferson county, reported a bill to be entitled an act to amend an act entitled an act to raise a revenue for the support of government until otherwise altered by law, passed the 13th of Jan. 1827; which was read a first time. Mr Rather moved that the rule requiring bills to be read on three several days be dispensed with, and that the bill receive a second reading forthwith; which was lost, there not being four-fifths voting in favor of the suspension. Yeas 36—Nays 20.

The yeas and nays being desired, those who voted in the affirmative are, messrs Baker, Clough, Coker, Dillahunty, Dillett, Durand, Faulk, Gayle, Gilbreath, Harris, Herbert, Hickman, Horton, Jackson, King of J. Langford, Lawler, Lea, Mar- dis, Metcalfe, Moore of W. Murphree, Philpott, Rather, Riddle, Richardson, Roberts, Ross, Rugeley, Sanders, Shortridge, Townsend, Ward, Walker and Williams.

Those who voted in the negative are, messrs Speaker, Acklen, Barclay, Boyd, Brown, Chiles, Clark, Cook, Coopwood, Hodges, Hogg, Hudson, King of P. Lane, M'Collum, M'Vay, Moore of M. Musgrove, Oliver and Stephens.

The bill was then ordered to a second reading to-morrow.

Mr Ross, from the committee on ways and means to whom was referred a bill to be entitled an act to raise a fund for the county of Wilcox, reported the same without amendment. Mr Lawler moved that the bill be indefinitely postponed; which was carried.

Mr Clark moved to suspend for the present the 21th rule of the House; which was lost.

Mr Hudson made the following report: The select committee, consisting of the *delegation* from the counties of Lawrence and Franklin, to whom was referred a bill to be entitled an act to appoint an additional surveyor for the county of Lawrence, have had the same under consideration, and have amended the same as herewith shewn; 1st section in the third line after the word Lawrence insert, *and Franklin counties*; in the 5th line after the word *said* insert *counties*; 2nd section in the 2nd line after the word *said* insert *courts*; in the 3rd line after the word *said* insert *counties*; in the 5th line after the word *said* insert *counties*; so as to make it apply to the county of Franklin in the same manner as it does to the county of Lawrence: all of which amendments they respectfully ask the concurrence of the House. In which amendments the House concurred. Mr Rather, who voted in the majority, on concurring with the report of the committee, moved to reconsider the vote; which was carried. Mr Coopwood moved that the House disagree to the report of the committee; which was carried. Mr M'Vay moved to amend the bill, by adding thereto an additional section; which was

carried: and the rule requiring bills to be read on three several days being dispensed with, the bill was read a third time forthwith, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Gayle: Mr Speaker—I am instructed by the Senate to inform you that they have read three several times and passed bills which originated in the House of Representatives of the following titles, to wit: an act to authorize the mayor and aldermen of the town of Huntsville to exempt the Huntsville Guards from working on the streets of Huntsville; an act authorizing and legalizing the registration of deeds not heretofore recorded in the legal time; and, an act to provide for opening a certain road therein named: the last of which they have amended as herewith shewn: in which they ask the concurrence of your honorable body. They have also read three several times and passed a joint resolution which originated in the House of Representatives, authorizing the Governor to subscribe for five copies of the debates on the adoption of the Federal Constitution, and have amended the same as herewith shewn: in which they ask the concurrence of your honorable body. They have also read three several times and passed bills which originated in their House, entitled an act to provide for contesting elections for members to the General Assembly; and, an act authorizing a special tax for the payment of certain claims against the county of Pickens: in which they ask the concurrence of your honorable body. It being 11 o'clock, Mr Herbert moved to suspend the consideration of the orders of the day; which was carried.

The House again resumed the consideration of Mr Coopwood's motion to disagree to the resolution reported by the select committee appointed to investigate the conduct of messrs Peters and Houston; and after some time spent in the consideration thereof, Mr Clark moved that the further consideration be postponed until three o'clock this evening; which was carried.

And the House then adjourned until 3 o'clock this evening.

Evening Session, 3 o'clock.—The House met pursuant to adjournment.

The House again resumed the consideration of Mr Coopwood's motion to disagree to the resolution reported by the select committee appointed to investigate the conduct of messrs Peters and Houston; and after some time spent therein, Mr Clark moved that the further consideration thereof be postponed until to-morrow morning at 9 o'clock; which was carried.

Mr Herbert moved that the House proceed to the consideration of the orders of the day; which was carried.

Mr Mardis then moved a call of the House, when the following members appeared, and answered to their names, viz. messrs *Speaker, Acklen, Barclay, Boyd, Bradnax, Chiles, Clark, Coker, Dillahunt, Durand, Gayle, Gilbreath, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Hudson, Jackson, Kilpatrick, King of J. King of P. Lane, Lawler, Lea, Mardis, Massey, McCollum, McVay, Moore of M. Moore of W. Musgrove, Oliver, Philpot, Rather, Riddle, Richardson, Ross, Rugely, Sanders, Taylor, Townsend, Walker, Ward and Williams.*

And then the House adjourned until to-morrow morning at 9 o'clock.

Thursday, Jan. 6.—At 9 o'clock, A. M. there not being a quorum present, Mr Clough moved a call of the House; which was lost.

Mr Hudson moved a call of the House, when the following members answered to their names, to wit: messrs *Speaker Boyd Brodnax Brown Chiles Clark Clough Coker Faulk Gilbreath Hogan Hogg Hudson King of P. Lawler Lea Massey McCollum McVay Metcalfe Moore of M. Moore of W. Murphree Musgrove Philpot Price Rather Riddle Ross Rugely Taylor Townsend Walker and Ward.*

A quorum then assembled and the House proceeded to business.

Ordered, that the House concur in the amendments made by the Senate to the bill entitled an act to provide for opening a certain road therein named.

Ordered, that the House concur in the amendment made by the Senate to the resolution directing the Governor to subscribe for five copies of the debates on the adoption of the Federal Constitution.

The bill from the Senate entitled an act to provide for contesting elections for members of the General Assembly, was read a first time : and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to the judiciary committee, to consider and report thereon.

The bill from the Senate entitled an act authorizing a special tax for the payment of certain claims against the county of Pickens, was read. Mr Kilpatrick moved that the bill lie on the table ; which was carried.

Mr Clough presented the petition of the commissioners of revenue and roads of Covington county, in relation to a bridge and ferry in said county; which was read. Mr Clough moved that the petition lie on the table ; which was carried.

Mr Mardis presented the petition of Elizabeth Grierson, praying the passage of a law to emancipate a certain slave therein named ; which was read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr Hudson, from the committee on accounts to whom was referred the account of Joel T. McClendon, sheriff of Henry county, for apprehending John Killian and William Rutherdford for an assault with intent to murder, and for furnishing sustenance for persons confined in the jail of said county, reported that said account is not authenticated as the law directs, therefore it cannot be allowed by this committee. But they respectfully recommend its reference to the committee on propositions and grievances. *Ordered*, that said report lie on the table. The account was then referred to the committee on propositions and grievances.

Mr Lea presented the petition of William Reed, guardian of John Stephens, praying the passage of a law to authorize the sale of certain lands therein mentioned ; which was read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr George, from the committee on the State Capitol to which was referred a resolution instructing them to inquire in what manner and on what authority the various rooms in the State Capitol are occupied, to the end that it may be ascertained whether one of said rooms may not be appropriated as a deposite for the public arms, reported that it is inexpedient to legislate on the subject : in which report the House concurred.

Mr Cook, from the committee on ways and means to whom was referred a resolution instructing them to inquire into the expediency of reducing the salaries of the several officers in this State, and to propose means whereby the current expenses of the government may be met without additional taxes upon the people, reported that they conceive that no increase of taxes will be required to defray the current expenses of the government, and that it is therefore inexpedient to legislate on that subject ; in which report the House concurred.

Mr Oliver, from the select committee to which was referred a bill to be entitled an act more effectually to secure trials in capital cases by impartial jurors, reported that a bill embracing the same objects which originated in the Senate, has passed this House, and ask to be discharged from the further consideration of the subject ; which was granted.

Mr Herbert, from the select committee to whom was referred a bill to be entitled an act to amend an act to regulate the licensing of physicians to practice, and for other purposes, passed the 15th January, 1830, reported the same back without amendment: and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed and read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Clark, from the select committee to whom was referred a bill to be entitled an act to amend the several acts concerning assessors and tax collectors, reported the same as amended, by adding thereto an additional section. The bill was then postponed, and made the special order of the day for to-morrow.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to authorize the mayor and aldermen of the town of Huntsville to exempt the Huntsville Guards from working on the streets of Huntsville; and an act authorizing and legalizing the registration of deeds not heretofore recorded in the legal time: all of which originated in their House.

Mr Coopwood introduced a joint resolution proposing amendments to the Constitution of the State of Alabama so as to have biennial sessions of the General Assembly thereof; which was read. Mr Young moved that the further consideration of the resolution be postponed to the first Monday in August next; which was carried. Yeas 39—Nays 20.

The yeas and nays being desired, those who voted in the affirmative are, messrs Barclay Boyd Brodnax Brown Chiles Clark Clough Coker Collins Cunningham Dillett Durand Faulk Gayle Gilbreath Herbert Hogan Hogg Hudson King of J. Lane Langford Lawler Lea Massey McCollum Moore of W. Oliver Riddle Richardson Ross Rugeley Shortridge Townsend Ward Williams and Young.

Those who voted in the negative are, messrs Speaker Acklen Coopwood Dillahunty George Harris Hickman Hodges Horton King of M. King of P. McVay Metcalfe Moore of M. Murphree Musgrove Philpot Rather Stephens and Walker.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have read three several times and passed bills which originated in the House of Representatives, of the following titles, to wit: an act to authorize Samuel Woodruff to erect a mill and other water works on Cahawba river; an act for the relief of the Florence Artillery; and, an act to incorporate the Montgomery Fire Engine Company. They have also read three several times and passed bills to be entitled an act to provide for the attendance of witnesses, and an act pointing out a mode for the disposition and expenditure of certain taxes in the town of Tuscaloosa: in which they desire the concurrence of your honorable body.

Mr Philpot moved that the House again resume the consideration of Mr Coopwood's motion to disagree to the resolution reported by the select committee appointed to investigate the conduct of messrs Peters and Houston.

Mr Clark moved for a call of the House; which was carried. Yeas 40—Nays 16.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Acklen, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Coker, Collins, Coopwood, Cunningham, Dillahunty, Dillett, Durand, Faulk, Gayle, Gilbreath, Harris, Hickman, Hogan, Hogg, King of J. King of P. Langford, McCollum, Moore of M. Murphree, Musgrove, Philpott, Price, Rather, Riddle, Ross, Shortridge, Stephens, Walker, Williams and Young.

Those who voted in the negative are, messrs Clough, Herbert, Horton, Hudson, Lane, Lawler, Lea, Massey, McVay, Metcalfe, Moore of W. Oliver, Richardson, Rugeley, Townsend, and Ward.

Mr Clark, who voted in the majority to reconsider the vote taken for a call of the House, moved to reconsider the same; which was lost.

On a call of the House the following members were absent, viz: messrs *Baker, Brodnax, Cook, Jackson, Mardis, Roberts, Sanders and Tylor.*

Mr Coopwood's motion was then suspended for one hour.

Mr Moore of M. made the following report:

The joint committee appointed by the General Assembly to examine into the state and condition of the Bank of the State of Alabama, beg leave to report—

That they have been engaged in the performance of the duties assigned them, since the period of their appointment to the present time; and although much time has elapsed since the commencement of their labors, yet from the multiplicity of their duties as members, it was not to be expected that their undivided attention could be devoted to the examination of the Bank.

Your committee caused the state of the Bank to be made up to include the 18th December, 1830, and find that the Bank is liable for the amount of notes in circulation in the sum of six hundred and sixty-one thousand eight hundred and seventy-five dollars, and to the amount of individual deposits, in the sum of three hundred and sixty-six thousand nine hundred and ninety-two dollars and thirty-two and a quarter cents. This item, however, is composed of the following sums, viz: Tennessee Canal Fund, amounting to \$142,239 81; interest on the Three Per Cent Fund, \$10,132 60; Revenue Fund, being an annual dividend declared on the 9th November, 1830, of \$30,293 76; interest on the Seat of Government Fund, of \$6,960 75; State Treasurer, \$52,916 75; University Fund and Agent, of \$33,573 04; and individual deposits, about one third of which is partial payments on notes which fall due 1st and 4th January, \$85,935 52 1-4. The Bank is also liable for the sum of \$6,056 29, due other Banks for collections made for them, which makes the Bank accountable for the sum of \$1,034,923 61 1-4, exclusive of the capital stock; and to meet this sum the Bank possesses, in specie, \$98,163 60 1-4; in notes of the United States and other solvent Banks, the sum of \$178,188. There is also due from other Banks in account with this, the sum of \$206,157 02. The Bank also possesses, in Bills of Exchange, all of which fall due prior to 1st April, the sum of \$152,041 35, and in notes discounted and all due on 1st and 4th January, the sum of \$700,299 22, which amounts to the sum of \$1,634,839 22 1-4, exhibiting a most prosperous and flattering result of the operation of the Bank since the last annual examination, and which is more fully explained in the annexed statement, marked (A,) by which statement it will also be seen that the Bank has realized, since the 8th January, 1830, as profits, the sum of \$68,359 58.

The attention of your committee has been drawn to the solvency of the debtors of the Bank; and in order to ascertain more fully the condition of each individual whose name appears on any note due the Bank, the committee invited the attendance of the delegation from each county, and submitted for their examination and inspection, a list of the notes from their respective counties; and the result of this examination proves that there is due the Bank, of doubtful debts, \$5,055, and of bad debts the sum of \$16,666 00, as will be more fully explained by statement (B.) It is, however, due to the Board of Directors, to state that the amount due from Jackson county as well as some other counties, has been due this Bank several years. It is believed that a portion of the sums now reported as bad, and doubtful, will yet be recovered; and from the cautious manner in which discounts have been made within the last two years, that a similar result will not again occur. Upon an examination of the blank paper belonging to this institution, your committee's attention has been called to the settlement made by a committee of the Board of Directors with the late Cashier, in which they have seen that a deficit of two hundred and one impressions of black *post notes* was reported by said committee, and could not be accounted for. It is believed by some of the gentlemen who examined the Bank last year, that these blank bills were then in their place. Your committee, however, deemed it proper to have an interview with the Board of Directors on this subject, and invited the attendance of the Board. From all the answers given by the Board, as well as individual members of their committee, the loss of the paper cannot be accounted for. It is, however, ascertained, that it has never been the habit of the committees of the Board of Directors, in their monthly examinations, to count the blank paper; and the first knowledge they had of its absence was made known by the committee who was appointed to receive from the late Cashier, the books, papers, cash, and other effects of the Bank.—As soon as it was known, the Board took the necessary steps to prevent imposition on the public, by withdrawing from circulation all *post notes* of this Bank; and it is believed no injury can be sustained by the Bank by its loss. In continuing the examination of the blank paper, one impression of Ones, Twos, and Threes were missing. That, however, has been accounted for by the Cashier's stating it was measurably destroyed by the

mice. They also find one impression of Tens and Twentys missing; and in lieu of that, find among the Fiftys and Hundreds one impression too many; which induces your committee to believe a mistake must have originated with the engraver, and that he sent one impression of Fiftys and Hundreds in lieu of the Tens and Twentys. In order that future committees may have a more accurate knowledge of the amount of blank paper on hand, your committee have not deemed it irrelevant to state in this report, that the Bank possesses, in blank paper, of the denomination of Fiftys and Hundreds, 502 impressions, or sheets, of four notes each; of the denomination of Tens and Twentys, 7,704 ditto; of the denomination of Fives, 13,003 ditto; of the denomination of Ones, Twos and Threes, 18,942 ditto; and of post notes, 1,283 single impressions.

Your committee would recommend to the Board of Directors, that in all future examinations by the Board, the blank paper should claim some of their attention. Subsequent to the 18th ult. the day on which the State Bank was made up, a material change has taken place in the situation of the debts due the Bank. The notes then due were \$700,289 22, and on the 1st inst. the amount due on notes was reduced to the sum of \$129,881 22; and the bills of exchange increased to \$756,908 33, and there is no doubt but a much larger sum has been paid within the days of grace. Your committee have thought it proper to cause an extra statement to be made up, to include the first inst. and is herewith annexed, marked (C); and the statement marked (D) gives an analysis of the capital stock, shewing the items of which it is composed. And your committee would recommend, that the fund heretofore known as the Seat of Government Fund, be transferred to, and merged in the fund known as the Revenue Fund, as a sum equivalent to the Seat of Government Fund has been drawn from the Revenue for the erection of a State Capitol, and it is proper that it should be replaced by that fund.

In closing this report, your committee feel it a duty they owe to themselves, as well as to the President and Directors, to bear testimony to the judicious arrangements made with the Branch Bank of the United State at Mobile, whereby a more enlarged and confidential circulation of the paper of this Bank has taken place; and the consequence has been, that this institution has not found it necessary to import any specie within the last year, which has heretofore been a subject of annual expense, and the calls for specie within the last year has only amounted to the sum of \$29,433, a sum very inconsiderable when compared with previous years, and may well be attributed to the harmony existing between those two institutions, and the mutual confidence reposed in each other.

Your committee cannot conclude without expressing their satisfaction with the prompt manner in which the Cashier afforded them every facility to enable them to discharge the duties assigned them. All of which is respectfully submitted.

JOHN B. HOGAN, R. B. WALTHALL, JAMES JACKSON,

Committee on part of Senate.

DAVID MOORE, E. YOUNG, THO. COOPWOOD,

Committee on part of the House of Representatives.

Ordered, that said report lie on the table, and that five hundred copies thereof be printed for the use of this House.

Bills from the Senate of the following titles, to wit: An act to provide for the attendance of witnesses, and an act pointing out a mode for the disposition and expenditure of certain taxes in the town of Tuscaloosa, were severally read and ordered to a second reading to-morrow.

Mr M'Collum offered the following resolution: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of passing a law reducing white poll tax to twelve and a half cents, with leave to report by bill or otherwise; which was adopted. Yeas 33—Nays 21.

The yeas and nays being desired, those who voted in the affirmative are, messrs Boyd Brown Clough Coker Collins Coopwood Cunningham Faulk Gayle George Herbert Hickman Hodges Hogg Kilpatrick King of J. King of M. King of P. Lane Langford Lea Massey M'Collum M'Vay Metcalfe Murphree Musgrove Rather Townsend Walker Ward and Williams.

Those who voted in the negative are, messrs Barclay Chiles Clark Dillahunty Dillett Durand Everett Gilbreath Harris Hogan Hudson Moore of M. Moore of W. Philpot Riddle Richardson Ross Rugeley Shortridge and Young.

Mr King of P. offered the following resolution: *Resolved*, that the two Houses of the General Assembly with the concurrence of the Senate, adjourn on the 15th inst. *sine die*. Mr Brown moved to postpone the further consideration of the resolution until the 12th inst; which was lost. Yeas 24—Nays 33.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Acklen, Barclay, Brown, Collins, Coopwood, Cunningham, Dillahunty, Durand, George, Gilbreath, Herbert, Hickman, Hogan, Hogg, Kilpatrick, King of M. Lane, Lawler, Musgrove, Riddle, Rugeley, Shortridge, Williams.

Those who voted in the negative are, messrs Boyd, Chiles, Clark, Cleagh, Coker, Dillelt, Everett, Faulk, Gayle, Harris, Hodges, Hudson, King of J. King of P. Langford, Lea, Massey, M'Collum, M'Vay, Metcalfe, Moore of M. Moore of W. Murphree, Oliver, Philpot, Rather, Richardson, Ross, Stevens, Townsend, Walker, Ward and Young.

Mr Lawler offered the following amendment: Provided the business of the two Houses shall not be sooner gone through; which was adopted. The resolution as amended was then adopted.

Mr King of J. offered the following preamble and resolution: Whereas, in the language of General Jackson, in his last message to Congress, in allusion to the formation of the Federal Constitution and its preservation, "The patriotism of the people, directed by a deep conviction of the importance of the Union, produced mutual concession and reciprocal forbearance, strict right was merged in a spirit of compromise, and the result has consecrated their disinterested devotion to the general weal; and that unless the American people have degenerated, the same result can be again effected: and as every State cannot expect to shape the measures of the General Government to suit its own particular interests, mutual forbearance therefore becomes a duty obligatory upon all." And further he says; "We may, he is confident, count on a cheerful compliance with this high injunction on the part of our constituents, for the preservation of rights and privileges which other less favoured portions of the world have in vain waded through seas of blood to acquire." And it is believed, from the signs of the times, an effort should now be made to support the views of our Chief Magistrate in a reconciliation of the contending interests of the country. *Be it, therefore, resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the State of Alabama highly approve the doctrines and principles contained in General Jackson's last Message to Congress, as occupying a middle ground upon which all true friends to their country may unite in one common cause the conservation of the Republic under the Federal Constitution. *And be it further resolved,* that His Excellency the Governor transmit one copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress, and to the Governor of each State in the Union.

Mr King of J. moved the adoption of said resolution.

The hour of 11 o'clock having been announced by Mr. Speaker, Mr King of J. moved to suspend the orders of the day, with a view to a consideration of said resolution, and called for the yeas and nays, but withdrew the call to give way for Mr Clark's motion to postpone the further consideration of the subject until the 8th inst.; and that they be made the special order of the day for that day; which was carried.

Mr Coopwood moved further to suspend the orders of the day; which was carried.

Mr Coopwood offered the following resolution: *Resolved,* that a special committee be appointed to select from among the orders of the day; all bills of a local character, and report them to this House on or before Monday next, on which day they shall be made the special order of the day. Bills of a general character shall be the special order for to-morrow.

Mr Philpott offered the following amendment: to be composed of one member from each county; which was adopted.

Mr Gayle, who voted in the majority on the adoption of Mr Philpott's amendment, moved to reconsider the vote; which was carried.

On motion of Mr Mardis: *Ordered,* that Mr Roberts have leave of absence for the remainder of the session.

The House again resumed the consideration of Mr Coopwood's motion to disagree to the resolution reported by the select committee appointed to investigate the official conduct of Messrs Peters and Houston; and after some time spent in the consideration of the same, the Senate adjourned until half past 3 o'clock this evening.

Evening Session, half past 3 o'clock — The House met pursuant to adjournment.

The House again resumed the consideration of Mr Coopwood's motion to disagree to the resolution reported by the select committee appointed to investigate the conduct of Messrs Peters and Houston. The previous question was called for by Mr Hudson. The previous question was then demanded by a majority of the members present, when the said previous question was put, viz. Shall the main question be now put? and passed in the affirmative. And the main question was on Mr Coopwood's motion to disagree to the resolution reported by the select committee, and lost. Yeas 20—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, messrs Barclay, Boyd, Chiles, Collins, Coopwood, Cunningham, Dillahunty, Faulk, George, Hogg, Kilpatrick, King of P. M'Vay, Metcalfe, Moore of W. Musgrove, Oliver, Stephens, Ward and Williams.

Those who voted in the negative are, messrs Speaker, Acklen, Baker, Brodnax, Brown, Clark, Coker, Cook, Dillett, Durand, Gilbreath, Harris, Herbert, Hickman, Hogan, Hudson, Jackson, King of J. King of M. Lane, Langford, Lawler, Lea, Mardis, Massey, M'Collum, Murphree, Philpot, Price, Riddle, Richardson, Roberts, Ross, Rugeley, Shortridge, Townsend, Walker and Young.

Mr Clark offered the following resolution: *Resolved*, that although the House do not discover, from the evidence, any corrupt combination between the Judge and Clerk, or the Clerk and any other person, in the transaction procuring the marriage complained of, nor any moral depravity, ignorance, or imbecility in either of said officers, which would authorize them to vote an impeachment against either of said officers, or an address to the Governor to remove the Judge, nevertheless, this House cannot approve of the conduct of the said Judge and Clerk in said transaction; which was lost. Yeas 18—Nays 40.

The yeas and nays being desired, those who voted in the affirmative are, messrs Boyd, Brown, Chiles, Clark, Collins, Coopwood, Dillahunty, Faulk, George, Hogan, King of J. Langford, Massey, M'Vay, Moore of W. Musgrove, Walker and Ward.

Those who voted in the negative are, messrs Speaker, Acklen, Baker, Barclay, Brodnax, Coker, Cunningham, Dillett, Durand, Gayle, Harris, Herbert, Hickman, Hogg, Hudson, Jackson, Kilpatrick, King of M. King of P. Lane, Lawler, Lea, Mardis, M'Collum, Metcalfe, Moore of M. Murphree, Oliver, Philpot, Price, Riddle, Richardson, Ross, Rugeley, Shortridge, Stephens, Taylor, Townsend, Williams and Young.

Mr Barclay offered the following resolution: *Resolved*, that no new business shall be introduced into this House from and after the 8th instant. Mr Baker moved that the resolution lie on the table; which was carried.

Mr Taylor moved that the House adjourn till 9 o'clock to morrow A.M. which was lost. Yeas 27—Nays 33.

The yeas and nays being desired those who voted in the affirmative are, messrs Speaker, Acklen, Barclay, Boyd, Brodnax, Brown, Coker, Cunningham, Durand, Faulk, Gayle, George, Hall, Hogg, Kilpatrick, King of J. King of M. Lane, Lea, Massey, Moore of W. Price, Rather, Riddle, Stephens, Taylor and Young.

Those who voted in the negative are messrs Baker, Chiles, Clark, Coopwood, Dillahunty, Dillett, Harris, Herbert, Hickman, Hodges, Hogan, Hudson, Jackson, King of P. Langford, Lawler, Mardis, M'Collum, M'Vay, Metcalfe, Moore of M. Murphree, Musgrove, Oliver, Philpot, Richardson, Ross, Rugely, Shortridge, Townsend, Walker, Ward and Williams.

Mr King of J. then moved that the House adjourn till half past six o'clock this evening; which was carried. Yeas 31—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker, Boyd, Brown, Chiles, Clark, Coker, Coopwood, Cunningham, Dillahunty, Faulk, Harris, Hodges, Hudson, Jackson, King of J. King of P. Lane, Lawler, Mardis, M'Vay, Moore of M. Moore of W. Murphree, Musgrove, Philpot, Richardson, Ross, Rugely, Taylor, Townsend and Ward.

Those who voted in the negative are messrs Speaker, Acklen, Barclay, Brodnax, Dillett, Durand, Gayle, George, Gilbreath, Hall, Herbert, Hickman, Hogan, Hogg, Kilpatrick, King of M. Langford, Lea, Massey, M'Collum, Metcalfe, Oliver, Rather, Riddle, Shortridge, Stephens, Walker, Williams and Young.

Half past six o'clock P. M.—There not being a quorum, mr Moore of M. moved a call of the House, which was carried, when the following members answered to their names :

Messrs Speaker, Boyd, Brown, Chiles, Clark, Coopwood, Faulk, Gayle, Gilbreath, Hall, Harris, Herbert, Hodges, Hogan, Kilpatrick, Lea, Massey, M'Collum, Metcalfe, Moore of M. Moore of W. Oliver, Price, Riddle, Scott, Stephens, Taylor and Walker.

A quorum then assembled, and the House proceeded to business.

Mr Lea offered the following resolution : *Resolved*, that with the concurrence of the Senate, the two Houses will, on Friday the 7th instant, at 6 o'clock p. m. proceed to elect a President and twelve Directors of the Bank of the State of Alabama. Mr Clark moved that the resolution lie on the table ; which was carried.

On motion of mr Hudson, the House proceeded to the consideration of the orders of the day.

The bill from the Senate entitled an act to extend the jurisdiction of the State of Alabama over the Indians within the chartered limits of the State, being under consideration, and read the third time, Mr Clark moved that the further consideration thereof be postponed till to-morrow; which was lost. Mr Harris called for the previous question ; which was carried. Yeas 31—Nays 27.

The yeas and nays being desired, those who voted in the affirmative are messrs Brodnax, Brown, Clark, Coopwood, Cunningham, Dillett, Faulk, Harris, Hudson, Jackson, King of J. King of P. Langford, Lawler, Lea, mardis, massey, m'Collum, Metcalfe, moore of W. murphree, musgrove, Price, Rather, Ross, Rugely, Stephens, Taylor, Townsend, Walker and Ward.

Those who voted in the negative are messrs Speaker, Baker, Barclay, Boyd, Chiles, Coker, Cook, Dillahunty, Durand, Everett, Gayle, Gilbreath, Hall, Herbert, Hodges, Hogan, Hogg, Kilpatrick, Lane, m'Vay, moore of W. Oliver, Philpot, Riddle, Richardson, Shortridge and Williams.

The previous question was then demanded by a majority of the members present ; when the said previous question was put, viz : Shall the main question be now put ? and decided in the affirmative ; and the main question was on the passage of the bill, and determined in the affirmative. Yeas 38—Nays 20.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Baker, Barclay, Brodnax, Brown, Coker, Cook, Durand, Everett, Faulk, Gilbreath, Hall, Harris, Herbert, Hogan, Hudson, Jackson, King of J. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, M'Collum, Moore of M. Moore of W. Marphree, Musgrove, Oliver, Price, Ross, Rugely, Taylor, Townsend, Stephens and Ward.

Those who voted in the negative are, messrs Boyd, Chiles, Clark, Coopwood, Cunningham, Dillahunty, Dillett, Gayle, Hodges, Hogg, Kilpatrick, M'Vay, Metcalfe, Philpot, Rather, Riddle, Richardson, Shortridge, Walker and Williams.

Mr Mardis moved to amend the title of the bill by adding to the end thereof, the words "and for other purposes;" which was carried. Mr Everett moved to amend the title of the bill by striking out all after the word "act," and inserting in lieu thereof the words "to subjugate an ignorant and unrepresented people." The previous question was called for by mr Coopwood. The previous question was then demanded by a majority of the members present; when the said previous question was put, viz : Shall the main question be now put ? and decided in the affirmative; and the main question was, shall the title be as aforesaid, and determined in the affirmative. *Ordered*, that the clerk acquaint the Senate therewith.

The bill entitled an act to discontinue and establish certain election

precincts therein specified being under consideration, the question was on adopting the substitute reported by the committee, and carried. Mr Lea offered an amendment by way of an additional section ; which was adopted. Mr Baker offered an amendment by way of an additional section ; which was adopted. The constitutional rule, requiring bills, &c. to be read on three several days being dispensed with, the bill was considered as engrossed, read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bills entitled an act to make an appropriation therein named ; an act to amend the several acts in relation to the compensation of the petit jurors in the counties Henry and Dale ; an act to amend an act entitled an act to incorporate the town of Bellefonte, in the county of Jackson ; and an act to authorize John L. Pearson, of St Clair county, to erect a mill and other water works in said county, were severally read a third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The report and resolutions on the tariff being under consideration, mr Baker moved that they lie on the table ; which was carried.

Mr Coopwood's resolution introduced on the eleventh day of December being under consideration, mr Lawler moved that it lie on the table ; which was carried.

The engrossed bill from the Senate entitled an act giving to the county courts jurisdiction of offences committed by slaves, was read a second time. Mr Mardis moved that the bill be indefinitely postponed ; which was carried.

The bill entitled an act to amend an act entitled an act to provide for the payment of slaves executed in pursuance of law, approved the 24th December 1824, was read a second time. Mr Rather moved that the bill be postponed till the first day of next session ; which was carried.

Bills of the following titles, to wit : an act to authorize David Wallis and Amos Jarmen, of Lawrence county, to erect a mill on the Tennessee river ; an act for the relief of the officers and privates of the 11th regiment of the militia of this State ; an act to incorporate the trustees of Jefferson academy at Elyton ; and an act for the relief of A. Vansant, were severally read a second time, and the constitutional rule requiring bills, &c. to be read on three several days being dispensed with, they were considered as engrossed and severally read the third time forthwith and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to regulate the rate of pilotage over the outer bar and Dog river bar in Mobile bay, was read a second time. Mr Durand moved to amend the bill by striking out the words "act and parts of acts," in the 3d section, with a view to insert the word "laws ;" which was carried : and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed and read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act making it the duty of the proper officers of those counties in which any business is pending which properly belongs to the county of Lowndes, be transferred to the same, was read a second time. Mr Cook moved that the bill be referred to a select committee, whereupon messrs Cook, Oliver and Herbert, were appointed.

The joint resolution from the Senate providing for the distribution of

the laws of the United States, was adopted. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The rule proposed by Mr Gayle, in relation to the adjournment of the House being under consideration, Mr Clark moved that it lie on the table; which was carried.

The bill from the Senate entitled an act to extend the limits of Monroe county and define the line between the counties of Monroe and Clarke, was read a second time and referred to a select committee consisting of messrs Dillett, Mobley and Cook, to consider and report thereon.

Joint resolution to the General Government, in relation to the nett proceeds of the five per cent of the public lands in this State, was read a second time. Mr Moore of M. moved that the resolution be referred to the judiciary committee; which was carried.

Mr Gayle moved to suspend the orders of the day; which was carried.

Mr Gayle offered the following resolution: *Resolved*, that the principal clerk of this House be authorized to employ an additional clerk, when, in his opinion, business may require it; which was adopted. Yeas 40—Nays 14.

The yeas and nays being desired those who voted in the affirmative are messrs Baker Barclay Brodnax Chiles Clark Coker Coopwood Dillahunt Dillett Durand Faulk Gayle Gilbreath Harris Herbert Hodges Hogan Jackson Kilpatrick King of J. Lane Lawler Lea Mardis Metcalfe Moore of M. Moore of W. Musgrove Oliver Philpott Price Rather Riddle Richardson Ross Shortridge Taylor Ward and Williams.

Those who voted in the negative are messrs Boyd Brown Cunningham Everett Hall Hogg Hudson King of P. Langford Massey M'Collum M'Vay Rugeley and Walker.

On motion of Mr Dillett: *Resolved*, that the clerk of this House furnish to James Dillett on application, a certified copy of the journal of the committee of privileges and elections, on the contested election from Monroe county, decided by this House at the present session; on said Dillett's paying him for said copy and certificate; and said clerk also furnish to said Dillett a certified copy of such evidence laid before said committee as he may apply for.

Mr Herbert moved that the House adjourn until to-morrow morning at 9 o'clock; which was carried.

And then the House adjourned.

Friday, January 7, 1831.—The House met pursuant to adjournment.

On motion of Mr Hudson, *Ordered*, that Mr Horton have leave of absence until Monday next.

Mr Everett, who voted in the majority on the passage of the bill from the Senate entitled an act to extend the jurisdiction of the State of Alabama over the Indians, within the chartered limits of the State, moved to reconsider the vote. Mr Clark moved to postpone Mr Everett's motion for one hour; which was lost. The question then recurred on Mr Everett's motion and carried. Yeas 36—Nays 29.

The yeas and nays being desired, those voted who in the affirmative are messrs Speaker, Acklen, Baker, Barclay, Boyd, Chiles, Clark, Collins, Cook, Coopwood, Cunningham, Dillahunt, Dillett, Durand, Faulk, Gayle, George, Hodges, Hogan, Hogg, Kilpatrick, King of M. Lea, M'Vay, Mobley, Moore of W. Oliver, Philpott, Rather, Riddle, Richardson, Rugeley, Sanders, Shortridge, Williams and Young.

Those who voted in the negative are messrs Brodnax, Brown, Clough, Coker, Gilbreath, Hall, Herbert, Hickman, Hudson, Jackson, King of J. King of P. Lane, Langford, Lawler, Mardis, Massey, M'Collum, Metcalfe, Moore of M. Murphree Musgrove, Price, Ross, Stephens, Townsend, Walker and Ward.

The bill was read a third time. Mr Clark then moved for a call of the House; which was lost. The question recurred on the passage of the

bill. Mr Clark moved to postpone the further consideration of the bill until this evening at 3 o'clock; which was lost. Mr Mardis called for the previous question; which was lost—Yeas 30 Nays 34.

The yeas and nays being desired those who voted in the affirmative are messrs Brodnax, Brown, Clough, Coker, Coopwood, Faulk, Gilbreath, Hall, Harris, Hodson, Jackson, Kilpatrick, King of J. King of M. King of P. Langford, Lawler, Mardis, Massey, M'Collum, Metcalfe, Moore of M. Murphree, Musgrove, Price, Ross, Stevens, Townsend, Walker and Ward.

Those who voted in the negative are messrs Speaker, Acklen, Baker, Barclay, Boyd, Chiles, Clark, Collins, Cook, Cunningham, Dillahunty, Dillett, Durand, Gayle, George, Herbert, Hickman, Hogan, Hogg, Lane, Lea, M'Vay, Mobley, Moore of W. Oliver, Philpot, Rather, Riddle, Richardson, Rugely, Sanders, Shortridge, Williams and Young.

Mr Cook offered the following amendment by way of engrossed ryder: *And be it further enacted*, that this act shall not embrace the Choctaw and Chickasaw Nations of Indians: *Provided*, the late treaties between the General Government and those nations of Indians be ratified; which was read a first time. Mr Hudson moved to amend the amendment by striking out the word 'Chickasaws;' which was lost. The amendment was then read a second time forthwith, and ordered to a third reading, and then read a third time forthwith. Mr Hogan offered the following amendment by way of engrossed ryder. SEC. 23. *And be it further enacted*, that this act, so far as relates to actions on contract, shall be in force from and after its passage; which was lost. Mr Dillahunty moved to amend the bill by adding thereto an additional section by way of engrossed ryder, which is as follows: SEC. — *And be it further enacted*, that this act shall not be so construed to authorize or make it the duty of the tax collectors of the respective counties in this State, whose boundaries are extended over the Indian country, to go therein for the purpose of collecting any tax whatever; which was lost. The previous question was called for by Mr King of J. The previous question was then demanded by a majority of the members present, when the said previous question was put, viz: Shall the main question be now put? and passed in the affirmative; and the main question was on the passage of the bill: And the question being put, Shall this bill pass? it was determined in the affirmative. Yeas 36—Nays 27.

The yeas and nays being desired those who voted in the affirmative are, messrs Speaker, Acklen, Baker, Barclay, Brodnax, Brown, Clough, Coker, Collins, Cook, Durand, Faulk, Gilbreath, Hall, Herbert, Hogan, Jackson, Kilpatrick, King of J. King of M. King of P. Langford, Lea, Lawler, Mardis, Massey, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Price, Ross, Rugely, Stephens and Ward.

Those who voted in the negative are, messrs Boyd, Chiles, Clark, Coopwood, Cunningham, Dillahunty, Dillett, Gayle, George, Harris, Hickman, Hodges, Hogg, Hudson, M'Collum, M'Vay, Metcalfe, Mobley, Philpot, Rather, Riddle, Richardson, Sanders, Shortridge, Walker, Williams and Young.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have read three several times and passed bills, to be entitled, An act in part to amend an act entitled an act to revive, consolidate and amend the several acts relative to the militia laws of this State; and an act in relation to the organization of the militia companies in the county of Walker; in which they ask the concurrence of your honorable body. They have also read three several times and passed bills which originated in the House of Representatives, of the following titles, to wit: An act to regu-

late the payment of petit jurors, in the county of Baldwin; an act to authorize James Vest, of Morgan county, to erect a dam across Flint river, in said county; an act to amend an act entitled an act to establish a road from M'Murray's old saw mill, on the Shades creek, in Jefferson county, to Charles Mundine's, in Shelby county; and an act authorizing a jury to be drawn to attend the County Courts of certain counties, and for other purposes; the last of which they have amended as herewith shewn, in which amendment they ask the concurrence of your honorable body.— They have also concurred in the amendments made by your honorable body to the bill which originated in their House, entitled an act to appoint an additional surveyor for the counties of Lawrence and Lauderdale. They have also concurred in the resolution adopted by your hon. body, proposing to adjourn *sine die* on the 15th inst. provide the business of the two Houses shall not sooner be gone through. They have instructed me also, to inform you that they have rejected a bill which originated in your honorable body, entitled an act to organize a separate Supreme Court.

The House refused to concur in the amendments made by the Senate to the bill entitled an act authorizing a jury to be drawn to attend the County Courts of certain counties, and for other purposes.

The bill from the Senate entitled an act in part to amend an act entitled an act to revise, consolidate and amend the several acts relative to the militia of this State, passed December 31, 1822, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, the bill was then read a second time forthwith, and the rule being further dispensed with, the bill was read a third time forthwith and passed. Yeas 54—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Baker Barclay Boyd Brodnax Brown Clough Collins Coopwood Cunningham Dillahunty Dillett Durand Faulk Gayle George Gilbreath Harris Herbert Hickman Hodges Hogan Hogg Hudson Jackson Kilpatrick King of J. King of M. King of P. Laue Lawler Lea Mardis Metcalfe Mobley Moore of M. Moore of W. Murphree Musgrove Oliver Philpott Price Rather Richardson Ross Rugely Sanders Shortridge Stephens Townsead Ward Williams and Young.

Those who voted in the negative are, messrs Chiles Clark Hall Langford Massey M'Collum M'Vay and Walker.

Ordered, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senat entitled an act in relation to the organization of the militia companies in the county of Walker, was read a first time, and the rule requiring bills to be read on three several days being dispensed tt, it was then read a second time forthwith, and the rule being further dispensed with, it was then read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Mardis moved to suspend the forders of the day; which was carried.

Mr Massey called up bills of the following titles, to wit: An act to authorize John H. Garrett to open a certain road therein named, and to keep a ferry on the Coosa river; and an act to authorize Jesse Dearing and Philip Brothers, to turnpike a road therein mentioned, for the purpose of placing them amongst the orders of the day; which was carried.

Mr King of J. presented vouchers in support of Henry Tuttle's claim; which was read and referred to the committee on accounts.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to incorporate the Montgomery fire engine company; an act to authorize Samuel Woodruff

to erect a mill and other water works on Cahawba river; an act to provide for opening a certain road therein named; and a joint resolution directing the Governor to subscribe for five copies of the debates on the adoption of the federal constitution; all of which originated in this House.

Mr Herbert made the following report: The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit: An act to authorize commanding officers of the forty-sixth regiment of Alabama militia, to form a company beat with a less number than forty privates, in the county of Dale; an act for the relief of William Jackson; an act for the relief of the tax collector of Walker county, for eighteen hundred and thirty; an act to incorporate Cahawba Academy, in the county of Dallas; an act supplemental to an act, entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and for other purposes; an act to extend the powers of the County Court of Dallas county, in relation to roads; an act to authorize the judge of the County Court, and commissioners of revenue and roads of Walker county, to levy an extra county tax for the completion of the public buildings of said county; all of which originated in the Senate.

Mr Oliver made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act for the relief of the Florence Artillery; which originated in this House.

The House then proceeded to the consideration of the orders of the day.

The House then proceeded to the consideration of the amendment made by the select committee to the bill entitled an act to amend the several acts concerning assessors and tax collectors. Mr Lawler moved to amend the amendment by striking therefrom the word 'Shelby;' which was carried. Mr Coopwood moved that the House disagree to the report of the committee; which was carried. Mr Clark moved to amend the bill by adding thereto an additional section; which was carried. The bill was then ordered to be engrossed and made the special order of the day for to-morrow.

Mr Coopwood moved to suspend the orders of the day; which was carried.

On motion of Mr Coopwood: *Resolved*, that the select committee appointed to investigate the official conduct of the judge and clerk of the County Court of Morgan county, be instructed to report to this House a bill providing for the payment of the witnesses that attended and testified before them in relation to said investigation; also, the clerk of the committee and the messenger.

Mr Coopwood moved to suspend the orders of the day until 3 o'clock this evening; which was carried.

And then the House adjourned until 3 o'clock this evening.

Evening session, 3 o'clock.—The House met pursuant to adjournment.

The House then proceeded to the orders of the day.

Ordered, that the House concur in the amendments made by the select committee to the bill entitled an act to alter and change the time of holding the County Courts of the county of Pickens. The bill was then referred to a select committee, consisting of messrs Gayle, Riddle and Chiles, with instructions to report to-morrow.

The bill entitled an act to amend the laws now in force in relation to the granting marriage license, was read a second time. Mr Clark moved that the bill be indefinitely postponed; which was carried.

The bill entitled an act to authorize Randle Jackson, guardian of Randle Beasley, to sell a certain slave therein named, was read a second time and referred to a select committee, to consist of messrs Jackson, Shortridge and Riddle, to consider and report thereon.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to authorize James Vest, of Morgan county, to erect a dam across Flint river, in said county; and an act to amend an act entitled an act, to establish a road from M'Murray's old saw mill, on Shades creek, in Jefferson county, to Charles Mundine's, in Shelby county; all of which originated in this House.

The bill entitled an act to reduce the pay of certain public officers therein mentioned, and for other purposes, was read a second time. Mr Coopwood moved that the bill be referred to a select committee. Mr Gayle moved with instructions to strike out all of the bill which relates to the members of the General Assembly; which was lost. Mr Coopwood moved the reference without the instructions; which was lost. Mr Hudson moved that the bill be indefinitely postponed; which was lost. Yeas 23—Nays 42.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Barclay, Boyd, Brodnax, Chiles, Clark, Clough, Collins, Cook, Dillett, Gayle, George, Gilbreath, Hudson, King of J. M'Vay, Mobley, Moore of W. Price, Riddle, Rugely and Young.

Those who voted in the negative are messrs Acklen, Baker, Brown, Coker, Coopwood, Cunningham, Dillahunt, Durand, Faulk, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Jackson, Kilpatrick, King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, M'Collum, Metcalfe, Moore of M. Murphree, Musgrove, Oliver, Philpott, Rather, Richardson, Ross, Sanders, Shortridge, Stevens, Townsend, Walker, Ward and Williams.

Mr Sanders moved that the bill lie on the table; which was lost. Yeas 16—Nays 49.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Chiles, Clark, Cook, George, Gilbreath, Hogg, Hudson, Langford, Mardis, M'Vay, Mobley, Oliver, Riddle, Rugely and Sanders.

Those who voted in the negative are, messrs Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Clough, Coker, Collins, Coopwood, Cunningham, Dillahunt, Dillett, Durand, Faulk, Gayle, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Lawler, Lea, Massey, M'Collum, Metcalfe, Moore of M. Moore of W. Murphree, Musgrove, Philpott, Price, Rather, Richardson, Ross, Shortridge, Stevens, Townsend, Walker, Ward, Williams and Young.

Mr King of J. offered the following amendment: after the word *Assembly* in the first section, strike out *three* and insert *two*. Mr Shortridge moved that the bill with the amendment be referred to the committee on ways and means; which was carried.

A message from the Governor by Mr Thornton:

January 7th, 1831.

Mr Speaker—I am requested by the Governor to inform your honorable body, that he did on the 31st ultimo, approve and sign joint resolutions of the Senate and House of Representatives of the State of Alabama in General Assembly convened; and on the 6th inst. an act to change the time of holding the County Court of Pike county; an act to establish an Academy in the county of Mobile; an act to compensate the commissioners of roads and revenue of the counties of Greene, Perry, Lawrence, Marengo and Dallas; an act relating to the acknowledgement of deeds and relinquishment of dower; and, an act to regulate the time of payment for lands sold by the

State of Alabama at the land office in Courtland : all of which originated in the House of Representatives.

The bill entitled an act for the relief of the holders of lots purchased at the first sale of lots in the town of Cahawba, was read a second time. Mr Herbert moved that the bill be referred to the judiciary committee with instructions to inquire into the constitutionality and expediency of granting the relief proposed in the bill; which was carried.

The bill entitled an act more effectually to secure the compensation allowed by law to the jurors of Monroe county, was read a second time and referred to the judiciary committee.

The bill entitled an act to incorporate the town of Fayetteville, was read a second time and referred to a select committee, consisting of messrs Gayle, M'Collum and Kilpatrick.

The bill entitled an act to make an appropriation for completing and enclosing the State Capitol, was read a second time. Mr George moved to refer the bill to the committee on the State Capitol.

The House then adjourned until to-morrow morning at 9 o'clock.

Saturday, Jan. 3, 1831.—The House met pursuant to adjournment.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to regulate the payment of petit jurors in the county of Baldwin, which originated in this House.

Mr Cook, from the committee on ways and means, reported a bill to be entitled an act making appropriations for the year 1831; which was read: and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and recommitted to the same committee to consider and report thereon.

Mr Moore of M. from the committee on lands appropriated for internal improvement, to whom was referred the petition of Williamson Price, praying the passage of a law authorizing him to enter a certain tract of land therein named, reported that the said tract of land not having been *selected* by the commissioners appointed to select, class and value the lands granted to this State for the improvement of the Tennessee and other rivers in this State, places it entirely beyond the power of the Legislature to legislate on the subject. They therefore ask leave to be discharged from the further consideration of the subject; which was granted.

Mr Durand made the following report: The judiciary committee to which was referred a bill to be entitled an act to regulate the rates of wharfage in the city of Mobile, have had the same under consideration and report, that it has been represented to them (and they have every reason to believe the fact) that the wharves now constructed in the city of Mobile are private property, recognized by acts of confirmation of the general government and belong to many different proprietors. If the said wharves are private property, as has been so represented to them, your committee are of opinion that it would be unconstitutional to pass the said law regulating the price of wharfage; but should the legislature think otherwise, the same committee further report, that it has also been represented to them that the said wharves have been constructed at vast expense and require very considerable annual repairs to keep them in order; that many of them have been purchased by their present owners at prices predicated on the rates of wharfage now charged, and several of them are now under lease for years, with rents reserved, predicated on the present rates of wharfage; and that any interference on the part of the Legislature in this matter would be productive of serious losses to the enterprising citizens who now enjoy that

kind of property. Should the Legislature therefore deem it constitutional to legislate on this subject, your committee are of opinion that it would be inexpedient and unjust to do so without giving to the proprietors and lessees of the said wharves an opportunity to be heard in the premises, as your committee have no data by which to determine what would be just rates of wharfage in case the Legislature should deem it constitutional to regulate them. Mr Clark moved that the report lie on the table; which was carried. Mr Clark moved that the further consideration of the bill be postponed and made the special order of the day for Monday next; which was carried.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have read three several times and passed bills of the following titles: An act prescribing the mode of payment of persons who mark and lay out State roads; and an act to amend an act in relation to capital crimes committed by slaves: in which they desire the concurrence of your honorable body. They have also read three several times and passed bills which originated in the House of Representatives, of the following titles, to wit: An act to incorporate the Trustees of the Jefferson Academy, at Elyton; an act to authorize David Wallace and Amos Jarmon, of Lawrence county, to erect a mill on the Tennessee river; an act for the relief of A. Vansant; an act to authorize John L. Pearson, of St Clair county, to erect a mill and other water works in said county; an act to amend an act entitled an act to incorporate the town of Bellefonte, in the county of Jackson; an act concerning the County Court of Mobile county, and for other purposes; an act to authorize the Comptroller of Public Accounts to draw a warrant as therein expressed; and, an act permanently to fix the seat of justice in the county of Monroe: the three last of which they have amended as herewith shewn: in which they desire the concurrence of your honorable body.

Mr Dillett made the following report: The judiciary committee to whom was recommitted, with the accompanying documents; a bill to be entitled an act to continue in force and amend an act entitled an act to provide for reporting the decisions of the Supreme Court, have had the same under consideration, and have directed me to report, that the evidence submitted establishes satisfactorily that the decisions of the Supreme Court cannot be reported for the compensation now allowed for that service; the necessity and importance of the work must be apparent to the Legislature, and your committee beg leave to recommend to the House the passage of the bill herewith reported without amendment; but in order to insure the continuance of the reports of the decisions of the Supreme Court, your committee recommend to the House that the compensation of the reporter be raised to the sum of one thousand dollars. Mr Lawler moved to amend the bill by striking out the words &c. to insert the words *by the Senate and House of Representatives of the State of Alabama in General Assembly convened*; which was carried. Mr Brown moved to fill the blank in the third section with the words *eight hundred*; which was carried. Mr Clark moved that the rule requiring bills to be read on three several days be dispensed with; which was carried. The bill was then considered as engrossed and read a third time forthwith. Mr Clark moved to reconsider the vote ordering the bill to a third reading; which was carried. Mr Shortridge moved to amend it by striking out the word *seventy*, with a view to insert the word *eighty*; which was carried. Mr Hudson then moved to strike out the 6th section of the bill; which was lost. Yeas 22—Nays 40.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Brown, Coker, Cunningham, Faulk, Hall, Hudson, Kilpatrick, King of P. Massey,*

Langford, M'Collum, M'Vay, Moore of M. Moore of W. Murphree, Musgrove, Philpott, Price, Stevens; Townsend, Walker and Ward.

Those who voted in the negative are, messrs *Speaker, Acklen, Baker, Brodnax, Chiles, Clark, Collins, Cook, Coopwood, Dillahanty, Dillett, Durand, Everett, Gayle, George, Gilbreath, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Jackson, King of M. Lane, Lawler, Lea, Mardis, Mobley, Oliver, Rather, Riddle, Richardson, Ross, Rugeley, Sanders, Shortridge, Taylor, Williams and Young.*

The bill was then read the third time, and put on its passage: and the question being put, Shall this bill pass? it was determined in the affirmative. Yeas 39—Nays 25.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Speaker, Acklen, Baker, Barclay, Brodnax, Chiles, Clark, Collins, Cook, Coopwood, Dillahanty, Dillett, Durand, Everett, Gayle, George, Gilbreath, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, King of M. Lane, Lawler, Lea, Mardis, Mobley, Oliver, Rather, Riddle, Richardson, Ross, Rugeley, Shortridge, Taylor, Williams and Young.*

Those who voted in the negative are, messrs *Boyd, Brown, Coker, Cunningham, Faulk, Hall, Hudson, Jackson, Kilpatrick, King of P. Langford, Massey, M'Collum, M'Vay, Moore of M. Moore of W. Murphree, Musgrove, Philpott, Price, Sanders, Stephens, Townsend, Walker and Ward.* The bill was then passed.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent forthwith to the Senate for their concurrence.

The hour of 11 having arrived, mr Everett moved to suspend the order of the day; which was lost.

The House then proceeded to the consideration of the orders of the day.

Mr Coker moved that the House concur in the amendments made by the Senate to the bill entitled an act permanently to fix the seat of justice of Monroe county; which was carried. Yeas 33—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Barclay, Boyd, Coker, Collins, Cook, Coopwood, Cunningham, Dubose, Faulk, Gayle, Hodges, Hogan, Hudson, Jackson, Kilpatrick, King of P. Langford, Massey, M'Collum, Mobley, Moore of W. Murphree, Musgrove, Riddle, Shortridge, Stephens, Townsend, Walker, Ward and Williams.*

Those who voted in the negative are messrs *Speaker, Acklen, Baker, Brodnax, Chiles, Clark, Dillett, Everett, George, Gilbreath, Hall, Harris, Herbert, King of J. Lane, Lawler, Lea, Mardis, M'Vay, Moore of M. Oliver, Philpott, Rather, Richardson, Ross, Rugeley, Sanders, Taylor and Young.*

Ordered, that the House concur in the amendment made by the Senate to the bill entitled an act authorizing the Comptroller of Public Accounts to draw a warrant as therein expressed.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to amend an act entitled an act to incorporate the town of Bellefonte, in the county of Jackson; an act to authorize John L. Pearson, of St Clair county, to erect a mill and other water works in said county; and, an act for the relief of A. Vansant: all of which originated in this House.

The bill entitled an act concerning the County Court of Mobile county being under consideration, Mr Clark moved that the bill lie on the table; which was carried.

The bill from the Senate entitled an act prescribing the mode of payment of persons who mark and lay out State roads, was read a first time: and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith. Mr Mobley moved to refer the bill to the committee on roads, bridges and ferries; which was carried.

The bill from the Senate entitled an act to amend an act in relation to capital crimes committed by slaves, was read a first time. Mr Clark moved that the bill be indefinitely postponed; which was lost: and the rule requiring

bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to the judiciary committee.

Ordered, that the House concur in the amendments made by the Senate to the bill entitled an act concerning the County Court of Mobile county.

Mr Herbert moved to suspend the orders of the day ; which was carried.

On motion of Mr Herbert: *Resolved*, that a select committee be appointed to superintend the illumination of the Representative Hall this evening, in commemoration of the memorable victory of New-Orleans, on the 8th January, 1815 : whereupon, messrs Herbert, Acklen and Lane were appointed.

Mr Barclay moved to suspend the orders of the day ; which was carried.

And then the House adjourned until Monday morning at 9 o'clock.

Monday, Jan. 10, 1831.—The House met pursuant to adjournment.

Mr King of J. who voted in the majority on the reference of the claim or voucher of Henry Tuttle, moved to reconsider the vote ; which was carried. The claim was then referred to the committee on propositions and grievances.

Mr Mobley presented the report of the commissioners appointed to lay and mark out a certain road therein specified ; which was read and referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr Clark from the committee on propositions and grievances to whom was referred the petition of the Trustees of the Memphis Hospital, Tennessee, asking the aid of this State in the erection of said hospital, reported that it is inexpedient to grant the aid solicited : in which report the House concurred.

Mr Hudson, from the committee on propositions and grievances to whom was referred the petition of Ulysses T. Cleveland, praying for compensation for following from the county of Blount, to the county of Walker, an alleged horse thief, and apprehending him and lodging him in Blount jail, reported that by a law passed Jan. 12th 1827, the evidences of such services and expenses is to be shewn to the court where the criminal is to be tried, which court shall certify a reasonable allowance. This course not having been pursued, and your committee believing it improper to adopt or continue a careless or loose practice relative to claims of this class ; therefore are of opinion, inasmuch as the petition is not sworn to, nor any sums ascertained which would be reasonable, that it will be improper to grant the prayer of the petition : in which report the House concurred.

Mr Clark, from the committee on propositions and grievances to whom was referred the petition of sundry persons, praying that a certain half quarter section of land lying in Perry county, the property of John Stephens, a minor, under the age of fourteen years, may be authorized to be sold by act of the Legislature, by the guardian, reported that it is inexpedient to legislate on the subject. Mr Lea moved that the report lie on the table ; which was carried.

Mr Hudson, from the committee on propositions and grievances to whom was referred a bill to be entitled an act for the relief of the tax collector of Wilcox county, reported that it is inexpedient to pass the bill. Mr Hudson moved that the report lie on the table ; which was carried.

Mr Clark, from the committee on propositions and grievances to whom was recommitted the claim of Joel T. M'Lendon, sheriff of Henry county, for apprehending and carrying certain prisoners from the county of Henry to the jail of Pike county, and other charges, reported they are of opinion that said sheriff ought to be allowed seventy three dollars and ninety one

cents, and they recommend its recommitment to the committee on accounts, to make an appropriation of that sum for that purpose: in which report the House concurred, and the account was recommitted to the committee on accounts.

Mr Gayle made the following report: The committee on education to which was referred the engrossed bill from the Senate, to provide for the free admission of students into the University of Alabama, from the several counties in this State in proportion to their population. A bill to admit students whose parents or guardians are unable to pay for their board and tuition in the University. A bill to set apart the nett proceeds of the funds for the establishment of preparatory schools in each county in this State, and also sundry resolutions proposing various modes of disposing of the University fund for purposes of education, have instructed me to report: That they have bestowed upon these bills and resolutions the consideration and attention demanded by their importance. The University is a subject it is believed of an anxious and intense solicitude among the citizens of the State generally, and the most favorable and beneficial results are anticipated from its proper management. It is endowed with a capital that will place it on equal ground with any literary institution in the United States, and from the high character of the individuals who have been selected to fill the different professorships, it is believed, that at no distant day it will have just reason to be proud of the richness and abundance of its literary and scientific stores. The committee conceive that at this time, when the University is about to commence its operations, it would be unadvisable to adopt any plan which has in view a division of its funds. The various propositions contained in those bills and resolutions, contemplate schemes of education that give earnest of the benevolence and patriotism of their several authors. They afford valuable materials for the formation of a system that will at some future day extend the benefits and blessings of education to every family, and almost to every child, but any attempt to carry into effect a plan of education at this time on a scale so extensive might endanger if not prove fatal to the best interests of the institution. The committee believe that much valuable information on this subject might be derived from the President and Professors of the University, and have instructed me to report the bills which have been referred to them without amendment, and to recommend to the House the adoption of the following resolution: *Resolved*, that the President and Professors of the University of the State of Alabama, be request to digested and report to the next General Assembly such plan of education as would combine the greatest benefit to the youth of the State, and the prosperity of the institution.

Mr Clark moved that the bill, report and resolution be postponed till tomorrow, and made the special order of the day; which was carried.

Mr Hudson, from the committee on propositions and grievances to whom was referred the engrossed bill to be entitled an act for the relief of C. B. Rountree, of Lauderdale county, reported that it is inexpedient to pass the bill. Mr Hudson moved that the report lie on the table; which was carried. Mr Hudson moved that the bill be indefinitely postponed; which was carried. Yeas 56—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Acklen, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Cook, Coopwood, Dubose, Dillahunt, Dillett, Durand, Everett, Faulk, Gayle, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Hudson, Jackson, Kilpatrick, King of J. King of M. King of P. Langford, Lawler, Lea, Martis, Massey, McCollum, Moore of M. Moore of W. Murphree, Musgrove, Philpott, Rather, Riddle, Richardson, Rugeley, Sanders, Taylor, Townsend, Walker, Ward, Williams and Young.

Those who voted in the negative are, messrs *Cunningham, George, McVay, Mobley, Shartridge and Stephens.*

Mr Hudson presented the account of James Rather; which was read and referred to the committee on accounts.

Mr Herbert, from the committee on enrolled bills, made the following report: The committee on enrolled bills, have examined and find correctly enrolled, bills of the following titles, to wit: an act to incorporate the Trustees of Jefferson Academy, at Elyton; an act concerning the County Court of Mobile county, and for other purposes; an act authorizing the Comptroller of Public Accounts to draw a warrant as therein expressed.

Mr Clark, from the committee on propositions and grievances to whom was referred a bill to be entitled an act to authorize Henry Taylor, of Wilcox county, to emancipate a certain slave therein named; as also the petition of Elizabeth Grierson, of the Creek nation, praying authority to emancipate a certain slave, reported an amendment to said bill granting the prayer of the petitioner. Mr Mardis moved to amend the amendment by filling the blank with the word "Shelby;" which was carried. The amendment as amended was concurred in: and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith, and passed. Mr Mardis moved to amend the title of the bill, by striking out all after the word "act," to insert the words "to emancipate certain slaves;" which was carried. *Ordered*, that the title be as aforesaid. *Ordered*; that the clerk acquaint the Senate therewith. Mr Herbert, who voted in the majority on the passage of the bill, moved to reconsider the vote; which was lost.

Mr Gayle, from the committee on education to which was referred the petitions of the purchasers of the University land, praying relief, &c. have directed me to ask that the committee be discharged from the further consideration thereof, as the subject has already been disposed of by the House; which was granted.

Mr Acklen made the following report: The committee on enrolled bills, have examined and found correctly enrolled, an act to authorize David Wallis and Amos Jarmon, of the county of Lawrence, to erect a mill on the Tennessee river, which originated in the House; also, an act to change the name of a certain person therein named; and, an act more effectually to secure trials in capital cases by impartial jurors; which originated in the Senate.

Mr Gayle, from the committee on education to which was referred a bill to be entitled an act to amend the laws relative to the sale of the sixteenth sections of land in the State of Alabama, reported the same without amendment: and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, and read a third time forthwith, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Philpot, from the select committee to whom was referred the joint resolutions to authorize the Secretary of State to procure books and stationary for the State Departments and General Assembly, reported the same with an amendment; which was adopted. Mr Baker moved to amend the resolution, by adding thereto another member to the resolution: which was adopted: and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a third time forthwith, and passed. Mr Lawter moved to amend the title of the resolution, by adding, *and for other purposes*; which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Cook, from the select committee to whom was referred a bill to be

entitled an act making it the duty of the proper officers of those counties in which any business is pending which properly belongs to the county of Lowndes, be transferred to the same, reported the same with sundry amendments; which were concurred in: and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, and read a third time forthwith, and passed. Mr Cook moved to amend the title of the bill with the following: Strike out the words *be transferred to*, where they occur in the 5th line of the title, and insert the words *to transfer in* the blank, and insert at the end of the title these words; *to said county*; which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message from the Senate by Mr Gayle: *Mr Speaker*—I am instructed by the Senate to inform you that they have receded from their amendments to the bill which originated in your honorable body, entitled an act authorizing a jury to be drawn to attend the county courts of certain counties, and for other purposes. They have read three several times and passed bills which originated in the House of Representatives, entitled an act to amend an act entitled an act to amend an act to regulate the licensing of physicians to practice, and for other purposes, passed the 15th day of Jan. 1830; and, an act to divide the 20th regiment of the militia of this State, and for other purposes, and have amended the same as herewith shewn: in which they desire the concurrence of your honorable body. They have concurred in the resolution adopted by your honorable body, proposing to go into the election of a judge of the county court of Wilcox and Conecuh counties, on Monday (to-day) at 11 o'clock, and have amended the same, by striking therefrom the words "Monday at 11 o'clock," and inserting in lieu thereof the words, "Tuesday next at the hour of 7 o'clock, P. M.: in which they desire your concurrence.

Ordered, that the House concur in the amendments made by the Senate to said resolution.

Ordered, that the House concur in the amendments made by the Senate to the bill entitled an act to divide the 20th regiment of the militia of this State, and for other purposes.

Mr Gayle, from the select committee to which was referred the bill entitled an act to alter and change the time of holding the county courts of Pickens county, reported the same with an amendment, by adding thereto an additional section; which was adopted: and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, and read a third time forthwith, and passed. Mr Gayle moved to amend the title of the bill, by adding thereto the counties of Pickens and Greene; which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Durand, from the judiciary committee to which was referred joint resolutions of the Senate and House of Representatives on the subject of the five per cent nett proceeds of the public lands in this State, reported the same without amendment. Mr Baker moved that the report and resolution lie on the table; which was carried.

Mr Dillett, from the judiciary committee to whom was referred the bill from the Senate entitled an act to amend an act in relation to capital crimes committed by slaves, reported the same with sundry amendments; which were adopted: and the rule requiring bills to be read on three several days being dispensed with, the bill was read a third time forthwith and passed. Mr Dillett moved to amend the title of the bill, by adding, *and free persons of colour*; which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the Clerk acquaint the Senate therewith.

Mr Dillett, from the select committee to whom was referred a bill to be entitled an act to extend the limits of Monroe county, and define the line between the counties of Monroe and Clarke, reported the same without amendment. Mr Mobley moved to the report on the table; which was carried.

The hour of 11 o'clock having arrived, Mr Mobley moved to suspend the orders of the day; which was carried.

The House resumed the consideration of the bill to extend the limits of Monroe county, and define the line between the counties of Monroe and Clarke. Mr Mobley moved to amend the bill by striking out all after the enacting clause, with the view to insert the following: Whereas, doubts have arisen as to the proper boundary line between the counties of Clarke and Monroe—Therefore, Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the west bank of the Alabama river shall be the permanent boundary line between said counties. A division of the question being called for, the vote was first taken on striking out, and carried. Mr Dillett moved to amend Mr Mobley's amendment, by striking out all after the word "that," with the view to insert the following: *all that territory belonging to the county of Monroe lying west of the Alabama river, except that territory which lies east of the centre line, in Townships 7, 8, 9, and 10, in Range No. 5, be added to, and compose a part of Clarke county.* A division of the question being called for, the vote was first taken on striking out Mr Mobley's amendment; which was carried. Yeas 39—Nays 28.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Acklen, Barclay, Brodnax, Brown, Chiles, Clark, Cook, Coopwood, Cunningham, Dillahunty, Dillett, Durand, Everett, George, Gilbreath, Harris, Herbert, Hickman, Hogg, Hudson, King of J. King of M. Lane, Lawler, Lea, Mardis, M'Vay, Metcalfe, Moore of M. Murphree, Oliver, Philpott, Rather, Richardson, Rugeley Sanders, Taylor, and Young.

Those who voted in the negative are, messrs Baker, Boyd, Clough, Coker, Collins, Dubose, Faulk, Gayle, Hall, Hodges, Hogan, Jackson, Kilpatrick, King of P. Langford, Massey, M'Collum, Mobley, Moore of W. Musgrove, Riddle, Ross, Shortridge, Stephens, Townsend, Walker, Ward and Williams.

The question was then on Mr Dillett's amendment to Mr Mobley's. Mr Mobley called for the previous question; which was lost. Mr Mobley moved to lay the bill and amendment on the table; which was lost. The question recurred on adopting Mr Dillett's amendment; which was carried. Yeas 35—Nays 32.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Acklen, Barclay, Brodnax, Brown, Clark, Cook, Cunningham, Dillett, Durand, Everett, George, Gilbreath, Harris, Herbert, Hickman, Hogg, Hudson, King of J. King of M. Lane, Lawler, Lea, Mardis, M'Vay, Moore of M. Murphree, Oliver, Philpott, Rather, Richardson, Rugeley, Sanders, Taylor and Young.

Those who voted in the negative are, messrs Baker, Boyd, Chiles, Clough, Coker, Collins, Coopwood, Dubose, Dillahunty, Faulk, Gayle, Hall, Hodges, Hogan, Jackson, Kilpatrick, King of P. Langford, Massey, M'Collum, Metcalfe, Mobley, Moore of W. Musgrove, Riddle, Ross, Shortridge, Stephens, Townsend, Walker, Ward, and Williams.

The amendment as amended was then adopted.

Mr Coopwood moved that the bill be indefinitely postponed; which was lost. Yeas 29—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, messrs Baker, Boyd, Faulk, Clough, Coker, Collins, Coopwood, Dubose, Dillahunty, Faulk, Gayle, Hall, Hodges, Hogan, Jackson, Kilpatrick, King of P. Langford, Massey, M'Collum, Metcalf, Mobley, Musgrove, Riddle, Stephens, Townsend, Walker, Ward and Williams.

Those who voted in the negative are, messrs Speaker, Acklen, Barclay, Brown, Brodnax, Chiles, Cook, Cunningham, Dillett, Durand, Everett, George, Gilbreath, Harris, Herbert, Hickman, Hogg, Hudson, King of J. King of M. Lane, Lawler, Lea, Mardis, M'Vay, Moore of M. Moore of W. Murphree, Oliver, Philpott, Rather, Richardson, Ross, Rugeley, Sanders, Shortridge, Taylor and Young.

The bill was then ordered to a third reading to-morrow.

The House then proceeded to the consideration of the orders of the day.

The preamble and resolutions approving the doctrines and principles of General Jackson's last Message to Congress being under consideration, Mr Cook moved to lay the resolution on the table; which was lost. Yeas 25—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are, messrs Boyd, Chiles, Clough, Coker, Cook, Coopwood, Faulk, Harris, Herbert, Hodges, Hogan, Jackson, Lane, Lawler, Lea, Massey, Mobley, Richardson, Ross, Shortridge, Taylor, Townsend, Walker, Ward, and Williams.

Those who voted in the negative are, messrs Speaker, Baker, Brown, Clark, Collins, Cunningham, Durand, Gayle, George, Hall, Hickman, Hogg, Hudson, King of J. King of M. King of P. Langford, Mardis, McCollum, M'Vay, Metcalfe, Moore of M. Moore of W. Oliver, Philpott, Rather, Riddle, Sanders, Stephens and Young.

Mr Baker offered the following amendment as a substitute :

Whereas, much excitement and much difference of opinion now exist throughout the Union in regard to the constitutional powers of Congress; and whereas, there is much reason to fear the present excitement will produce a result which every patriot, every lover of his country, should earnestly desire may never ensue, it is conceived that the legislative bodies of each State should give a firm and decided expression of opinion on these momentous questions. Duly impressed with the importance of union among the different States, this General Assembly views with regret any course of conduct calculated to destroy that union, or create unnecessary excitement throughout the United States. The Constitution is of too holy a character to be approached without the purest intentions; and while the General Government shall confine itself to the exercise alone of those powers given to it, this Republic and the liberties of the people will exist for all time to come. Government was constituted for the benefit and welfare of the people, and the powers delegated to our own are clear and well defined. Unwilling at all times that the powers of the Government should be encroached upon, a solemn obligation is nevertheless imposed on the Representatives of the people to guard with jealous care the rights of the States. The subject which ought, at this time, to claim the serious attention of every lover of the Union, is the tendency of the Government towards a firm consolidated National Government. That such is its present tendency, is the rational and well settled apprehension of the Southern States. Perceiving that Congress claims and exercises powers never contemplated by the framers of the Constitution, they are alarmed, as in the integrity and sovereignty of the different States consist their own safety. Disunion they view as the worst calamity that could be inflicted on the country; and they stand ready armed at all times to oppose any such result. That the Federal Government is the exclusive judge of the extent as well as the limitations of its own powers, is a doctrine utterly subversive of the sovereignty and independence of the States. That the Supreme Court is the judge of the powers of Congress, is also a doctrine that cannot be sanctioned by this General Assembly.

In the resolutions of Virginia and Kentucky, adopted in 1798, this General Assembly fully coincides, and especially in the following sentiments :

“The General Assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government, as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and, that in case of a deliberate, palpable, and dangerous exercise of other power not granted by the compact, the States, who are parties thereto, have the right, and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights and liberties appertaining to them. That if those who administer the General Government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegation of power therein contained, an annihilation of State Governments, and the erection upon the ruins, of a general consolidated Government will be the inevitable consequence. That the principles of construction contended for by some of the State Legislatures, that the General Government is the exclusive judge of the extent of the powers delegated to it, stop

nothing short of despotism ; since the discretion of those who administer the Government, and not the Constitution, would be the measure of their powers. This General Assembly, while they believe it to be their duty to protest against certain unconstitutional exercises of power by the General Government, and, still further, believe that under the Constitution they have sufficient means of redress, yet they do not think it prudent for any State, at this time, to throw herself on her own resources. Our oppressors should be borne with until time shall satisfy us that justice will not be rendered us ; our polar star should be “ Liberty,—the Constitution,—Union ;” for, although moderation should be our course, submission should never be any part of the character of a sovereign State.

Resolved, that the foregoing sentiments are the sentiments of this General Assembly.

Resolved further, that the Governor of this State be requested to forward to the Executive of each of the States, and to each of our members in Congress, a copy of the above expose and resolutions.

Mr King of J. offered the following amendment: Amend by inserting after the word “ that,” in the first resolution, the words, *we, the Representatives of* ; and by inserting the word *our* after the word “ of,” in the last line before the word Republic ; and further to amend, by extending the word *Republic* to *Republican*, and thereafter by striking out the words, “ under the Federal Constitution,” and inserting, *institutions*. The resolution will read, as amended, *Be it, therefore, resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, that we, the Representative of the State of Alabama, highly approve the doctrines and principles contained in General Jackson’s last Message to Congress, as occupying a middle ground upon which all true friends to their country may unite in one common cause the conservation of our Republican institutions.

Mr Brodnax moved to postpone the resolution and proposed amendment to Saturday next, at 9 o’clock p. m. ; which was carried. Yeas 41—Nays 20.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Acklen, Baker, Boyd, Brodnax, Chiles, Clark, Clough, Coker, Collins, Coopwood, Dubose, Dillahunty, Everett, Faulk, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Hudson, Jackson, King of P. Lane, Langford, Lawler, Massey, Metcalfe, Oliver, Philpott, Rather, Richardson, Ross, Rugeley, Sanders, Shortridge, Taylor, Ward and Williams.

Those who voted in the negative are, Messrs Brown, Cunningham, Durand, Gayle, George, Kilpatrick, King of J. King of M. Lea, Mardis, M’Collum, M’Vay, Mobley, Moore of M. Moore of W. Riddle, Stevens, Townsend, Walker and Young.

The engrossed bill entitled an act to amend the several acts concerning assessors and tax-collectors, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to regulate the rates of wharfage in the city of Mobile being under consideration, Mr Everett moved that it be indefinitely postponed.

And then the house adjourned to this evening at 3 o’clock.

Evening Session, 3 o’clock—The House met pursuant to adjournment.

The House resumed the consideration of Mr Everett’s motion to indefinitely postpone the bill entitled an act to regulate the rates of wharfage in the city of Mobile ; which was lost. Yeas 13—Nays 53.

The yeas and nays being desired, those voted who in the affirmative are messrs Baker, Coopwood, Dillahunty, Durand, Everett, Gayle, George, Philpott, Riddle, Sanders, Shortridge, Stevens and Young.

Those who voted in the negative are messrs Speaker, Acklen, Barclay, Boyd, Brodnax, Chiles, Clark, Clough, Coker, Collins, Cook, Cunningham, Dubose, Dillett, Faulk, Gilbreath, Hall, Harris, Herbert, Hickman, Hogan, Hogg, Hudson, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, M’Collum, M’Vay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Price, Rather, Richardson, Ross, Rugeley, Taylor, Townsend, Walker, Ward and Williams.

Mr Clark called for the previous question ; the previous question was

then demanded by a majority of the members present, when the said previous question was put, viz: Shall the main question be now put? and passed in the affirmative; and the main question was on ordering the bill to a third reading. The bill was then ordered to be engrossed and made the special order of the day for a third reading to-morrow.

The bill entitled an act making an appropriation for completing and enclosing the State Capitol being under consideration, the question was on the motion of mr George, heretofore made, to refer the bill to the committee on the State Capitol to consider and report thereon. Mr Clark moved the following: "with instructions to amend the same by striking out all after the enacting clause, and inserting a section or sections providing alone for putting a new roof on the Capitol, and the sale of the copper, and also to inquire whether the Governor, Secretary of State, Comptroller, State Treasurer and Clerk of the Supreme Court, or some of them, ought not to be commissioners to make said contract or sale, and if so, to provide therefor. Mr Baker moved to amend mr Clark's instructions by adding the following: And with instructions to report a bill reducing the taxes for the present year \$56,000; which was lost. The question then recurred on mr Clark's instructions, and lost. Mr Baker moved that the bill be indefinitely postponed; which was lost. Yeas 28—Nays 37.

The yeas and nays being desired those who voted in the affirmative are, messrs Baker, Boyd, Brodnax, Clark, Clough, Coker, Cook, Dubose, Dillett, Everett, Faulk, Hall, Herbert, Hogan, Jackson, King of P. Langford, Lawler, Lea, Massey, Moore of M. Murphree, Musgrove, Oliver, Rugely, Taylor, Townsend, Ward and Young.

Those who voted in the negative are messrs Speaker, Acklen, Barclay, Chiles, Collins, Coopwood, Cunningham, Dillahunty, Durand, Gayle, George, Gilbreath, Harris, Hickman, Hogg, Hudson, Kilpatrick, King of J. King of M. Lane, Mardis, M'Collum, M'Vay, Metcalfe, Mobley, Moore of W. Philpott, Price, Rather, Riddle, Richardson, Ross, Sanders, Shortridge, Stevens, Walker and Williams.

Mr Hudson moved to amend the bill by an additional section; which was carried.

Mr Mardis moved that the House adjourn to 9 o'clock A. M. to-morrow; which was lost. Yeas 22—Nays 43.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Acklen, Baker, Boyd, Brodnax, Coker, Dubose, Durand, Everett, Faulk, Hall, Herbert, Hogan, Jackson, Lawler, Lea, Mardis, Musgrove, Oliver, Ross, Stevens and Taylor.

Those who voted in the negative are, messrs Barclay, Chiles, Clark, Collins, Cook, Coopwood, Cunningham, Dillahunty, Gayle, George, Gilbreath, Harris, Hickman, Hodges, Hogg, Hudson, Kilpatrick, King of J. King of M. King of P. Lane, Langford, Massey, M'Collum, M'Vay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Philpott, Price, Rather, Riddle, Richardson, Rugely, Sanders, Shortridge, Townsend, Walker, Ward, Williams and Young.

Mr Coopwood called for the previous question.

A message was received from the Governor by James I. Thornton, Esq. Secretary of State, which is as follows:

January 10th, 1831.—Mr Speaker: I am requested by the Governor, to inform your honorable body that he did on the 6th instant, approve and sign a memorial to the Congress of the United States in relation to public lands, and on this day the following bills: an act authorizing and legalizing the registration of deeds not heretofore recorded in the legal time; an act to authorize the mayor and aldermen of the town of Huntsville to exempt the Huntsville Guards from working on the streets of Huntsville; an act to amend an act entitled an act to establish a road from M'Murray's old saw mill, on the Shades creek, in Jefferson county, to Charles

Mundine's, in Shebly county ; an act for the relief of the Florence artillery ; an act to regulate the payment of petit jurors in the county of Baldwin ; an act to authorize James, Vest of Morgan county, to erect a dam across Flint river in said county ; an act to provide for opening a certain road therein named ; an act to authorize Samuel Woodruff to erect a mill and other water works on Cahawba river ; an act to incorporate the Montgomery fire engine company ; and a joint resolution directing the governor to subscribe for five copies of the Debates on the adoption of the Federal Constitution.

Mr Everett moved that the House adjourn to half past six o'clock this evening ; which was carried. Yeas 34—Nays 31.

The yeas and nays being desired, those who voted in the affirmative are messrs Barclay, Boyd, Brodnax, Chiles, Clark, Cook, Coopwood, Dillahunt, Dillett, Durand, Everett, Herbert, Hodges, Hudson, Jackson, King of P. Lane, Langford, Lawler, mardis, massey, mobley, moore of W. murphree, musgrove, Philpott, Rather, Riddle, Rugely, Shortridge, Taylor, Townsend, Walker and Ward.

Those who voted in the negative are messrs Speaker, Acklen, Baker, Coker, Collins, Cunningham, Faulk, Gayle, George, Gilbreath, Hall, Harris, Hickman, Hogan, Hogg, Kilpatrick, King of J. King of M. Lea, m'Collum, m'Vay, metcalfe, moore of W. Oliver, Price, Richardson, Ross, Sanders, Stevens, Williams and Young.

Night session, half past 6 o'clock.—The House resumed the consideration of the bill entitled an act to make an appropriation for completing and enclosing the State Capitol. Mr Clark moved a call of the House ; which was lost. Yeas 15—Nays 42.

The yeas and nays being desired those who voted in the affirmative are messrs Boyd Brodnax Clark Cunningham Dillahunt Dillett Everett Hall Hogan King of P. Langford Lawler massey mobley and moore of W.

Those who voted in the negative are messrs Speaker Baker Barclay Brown Chiles Coker Collins Cook Durand Faulk Gayle George Gilbreath Harris Hickman Hogg Hudson Jackson King of J. Lane Lea m'Collum m'Vay metcalfe moore of M. murphree musgrove Philpott Price Rather Riddle Richardson Ross Rugeley Sanders Shortridge Taylor Townsend Walker Ward Williams and Young.

The question was then on mr Coopwood's call for the previous question, and lost. Yeas 18—Nays 42.

The yeas and nays being desired those who voted in the affirmative are messrs Barclay, Collins, Gayle, George, Gilbreath, Harris, Hudson, Kilpatrick, Lane, m'Collum, m'Vay, Moore of M. Price, Rather, Riddle, Richardson, Walker and Williams.

Those who voted in the negative are messrs Speaker, Acklen, Baker, Boyd, Brodnax, Brown, Chiles, Clark, Coker, Cook, Cunningham, Dillahunt, Dillett, Durand, Everett, Faulk, Hall, Hickman, Hogan, Hogg, Jackson, King of J. King of P. Langford, Lawler, Lea, Massey, Metcalfe, Mobley, Moore of W. Murphree, Musgrove, Oliver, Philpott, Ross, Rugeley, Sanders, Shortridge, Taylor, Townsend, Ward and Young.

Mr Lawler moved to amend the bill by striking out of the first section the following words, viz : "and the dividend that may be declared by the Bank in favor of that fund, on the 9th day of November next. Mr Baker moved that the bill be postponed till 9 o'clock p. m. on Saturday next, and made the special order of the day ; which was lost.

The question then recurred on mr Lawler's amendment, and carried. Yeas 40—Nays 23.

The yeas and nays being desired those who voted in the affirmative are, messrs Baker, Boyd, Brodnax, Chiles, Clark, Coker, Cook, Coopwood, Dillahunt, Dillett, Durand, Everett, Faulk, Hall, Harris, Hickman, Hogan, Jackson, King of J. Lane, Langford, Lawler, Lea, Mardis, Massey, Metcalfe, mobley, Moore of W. Murphree,

Musgrove, Oliver, Philpott, Rather, Richardson, Ross, Rugely, Taylor, Townsend, Ward, and Young.

Those who voted in the negative are, messrs Speaker, Acklen, Barclay, Brown, Collins, Cunningham, Gayle, George, Gilbreath, Hogg, Hudson, Kilpatrick, King of P. M'Collum, M'Vay, Moore of M. Price, Riddle, Sanders, Shortridge, Stevens, Walker and Williams.

Mr Coopwood called for the previous question; which was lost. Yeas 30—Nays 33.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Barclay Brown Collins Coopwood Cunningham Gayle George Gilbreath Harris Hickman Hogg Hudson Kilpatrick King of J. Lane M'Collum M'Vay Metcalfe Moore of M. Price Rather Riddle Richardson Sanders Shortridge Stevens Walker and Williams.

Those who voted in the negative are, messrs Baker Boyd Brodnax Chiles Clark Coker Cook Dillahanty Dillett Durand Everett Faulk Hall Herbert Hogan Jackson King of P. Langford Lawler Lea Mardis Massey Mobley Moore of W. Murphree Oliver Philpott Ross Rugely Taylor Townsend Ward and Young.

Mr Lawler moved to amend the bill further by striking out all the third section, after the word "force," in the fifth line of said section. Mr Baker moved to postpone the further consideration of the bill to the first day of March next; which was lost. Yeas 28—Nays 33.

The yeas and nays being desired those who voted in the affirmative are, messrs Baker Boyd Brodnax Clark Coker Cook Faulk Hall Herbert Hogan Jackson King of P. Langford Lawler Lea Mardis Massey Moore of W. Murphree Musgrove Oliver Ross Rugeley Stevens Taylor Ward and Young.

Those who voted in the negative are, messrs Speaker Acklen Barclay Brown Chiles Collins Coopwood Cunningham Dillahanty Durand Gayle George Gilbreath Harris Hickman Hodges Hogg Hudson Kilpatrick King of J. Lane M'Collum M'Vay Metcalfe Mobley Moore of M. Philpott Price Rather Riddle Richardson Sanders Shortridge Walker and Williams.

The question recurred on mr Lawler's amendment, and lost. Yeas 31—Nays 32.

The yeas and nays being desired those who voted in the affirmative are, messrs Baker Boyd Brodnax Clark Coker Cook Dillett Durand Faulk Hall Herbert Hogan Jackson King of P. Langford Lawler Lea Mardis Massey Mobley Moore of W. Murphree Musgrove Oliver Philpott Ross Rugeley Taylor Townsend Ward and Young.

Those who voted in the negative are, messrs Speaker Acklen Barclay Brown Chiles Collins Coopwood Cunningham Dillahanty Gayle George Gilbreath Harris Hickman Hodges Hogg Hudson Kilpatrick King of J. Lane M'Collum M'Vay Metcalfe Moore of M. Price Rather Riddle Richardson Sanders Shortridge Walker and Williams.

Mr Herbert moved to amend the first section of the bill by striking out the word "seven" to insert the word "two;" which was lost. Mr Baker offered the following amendment: Strike out all after the enacting clause, and insert, "That the sum of two thousand dollars is hereby appropriated for the completion of the State Capitol, to be paid out of the seat of government fund."

Mr Mardis moved a call of the House, and at half past 8 o'clock the following members were absent, to wit: Messrs Clough, Dubose, Everett and King of M. The bill lies over for one hour.

Mr Mardis moved that the House adjourn until to-morrow morning at 9 o'clock. Mr Speaker decided the motion to be out of order, inasmuch as a call of the House has just taken place, and agreeably to the rules of the House it could not adjourn for one hour; from which decision mr Mardis appealed. Yeas 30—Nays 33.

The yeas and nays being desired those who voted in the affirmative are, messrs Barclay Brown Chiles Collins Coopwood Cunningham Dillahanty Durand George Gilbreath Harris Hodges Hogg Hudson Kilpatrick King of J. King of P. Lane Langford M'Collum M'Vay Mobley Philpott Rather Riddle Richardson Sanders Townsend Walker and Williams.

Those who voted in the negative are, messrs Acklen Baker Boyd Brodnax Clark Coker

cook dillett faulk gayle hall herbert hickman hogan jackson lawler lea mardis massey metcalfe moore of M. Moore of W. Murphree musgrove oliver Price Ross Rugeley shortridge stevens taylor ward and young.

Mr Rugely moved that the House adjourn until to-morrow morning at 9 o'clock ; which was lost. Yeas 29—Nays 33.

The yeas and nays being desired those who voted in the affirmative are, messrs Acklen Baker Boyd Brodnax Chiles Coker cook dillett durand faulk gilbreath hall herbert hogan king of P. Lawler Lea mardis metcalfe moore of W. oliver Price Riddle Ross Rugeley taylor townsend ward and young.

Those who voted in the negative are, messrs speaker barclay brown clark collins coopwood cunningham dillahunty gayle George Harris hickman hogg Hudson Jackson king of J. Lane Langford massey M'collum M'vay Mobley moore of M. Murphree musgrove philpott rather richardson sanders shortridge stevens walker and williams.

Mr Mobley moved to suspend the orders of the day, for the purpose of introducing a bill ; which was lost.

Mr Coopwood moved to suspend the orders of the day generally ; which was carried.

Mr Mobley then introduced a bill to be entitled an act permanently to fix the seat of justice of Clark county, and for other purposes ; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith : and the rule being further dispensed ; it was considered as engrossed and read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Dillahunty introduced joint resolutions against the establishment of a branch or office of discount and deposit of the Bank of the United States in the State of Alabama ; which was read. Mr Sanders moved to postpone the further consideration thereof, and that it be made the special order of the day for to-morrow ; which was lost. Yeas 23—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Acklen, Barclay, Brodnax, Coker, Collins, Durand, Harris, Hickman, Langford, Mardis, M'Collum, Moore of M. Oliver, Philpott, Price, Rather, Riddle, Richardson, Sanders, Townsend, Williams and Young.

Those who voted in the negative are, messrs Baker, Boyd, Brown, Chiles, Clark, Cook, Coopwood, Dillahunty, Dillett, Faulk, Gayle, George, Gilbreath, Hall, Herbert, Hogan, Hogg, Hudson, Jackson, Kilpatrick, King of J. King of P. Lane, Lawler, Lea, Massey, M'Vay, metcalfe, mobley, Moore of W. Murphree, Musgrove, Ross, Rugely, Shortridge, Taylor, Walker and Ward.

The question was on the adoption of the resolution, and carried. Yeas 51—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs Acklen Baker Barclay Boyd Brodnax Brown Chiles Clark Coker Collins Cook Coopwood Dillahunty Durand Faulk Gayle George Hall Harris Herbert Hogan Hogg Hudson Jackson Kilpatrick King of J. King of P. Langford Lawler Lea mardis Massey Metcalfe mobley Moore of M. Moore of W. Murphree Musgrove Oliver Philpot Price Rather Riddle Richardson Ross Rugeley Taylor Townsend Walker Ward and Williams.

Those who voted in the negative are, messrs Speaker Hickman Lane M'Collum M'Vay Sanders and Young.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Brodnax introduced a joint resolution requesting the joint committee appointed to examine the Bank, to report any information relative to errors committed by the officers of the Bank ; which was read and adopted.

Mr Speaker announced that the hour had expired on a call of the House.

Mr Lea introduced a joint protest of the State of Alabama, against the tariff laws of the General Government ; which was read.

And then the House adjourned until to-morrow morning at 9 o'clock.

Tuesday, January 11, 1831.—The House met pursuant to adjournment. Mr Clough moved a call of the House ; which was lost.

Mr Hudson presented the accounts of sundry persons against the State of Alabama for stationary, fuel, and other articles furnished John Tatom, door keeper of the House of Representatives, for the use of the House of Representatives ; which were severally read and referred to the committee on accounts, to consider and report thereon.

Mr Mobley presented the accounts of Benjamin Baldwin, Spicer W. Kelly and Wm. R. Colgin ; which were severally read and referred to the committee on accounts, to consider and report thereon.

Mr Dillett, from the judiciary committee to whom was referred an engrossed bill from the Senate, entitled an act for contesting elections for members to the General Assembly, reported that the same in its provisions is unconstitutional, inexpedient, and ought not to pass. On motion, the report was laid on the table. Mr Rather moved to postpone the further consideration of the bill to the first day of the next session ; which was carried.

The same committee to whom was referred a bill entitled an act for the relief of Collin Bishop, reported the same to the House without amendment. On motion, the report was laid on the table. Mr Taylor offered the following amendment to the bill: Strike out the words "any county, city or town," and insert in lieu thereof the words, *the county of Franklin*. Mr Everett moved to postpone the further consideration of the bill indefinitely ; which was lost. Yeas 7—Nays 54.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Everett, Herbert, Hodges, Moore of W. Taylor, and Young.

Those who voted in the negative are messrs Acklen, Baker, Barclay, Boyd, Brown, Chiles, Clark, Clough, Collins, Cook, Coopwood, Cunningham, Dubose, Dillahunt, Durand, Faulk, George, Hickman, Hogan, Hogg, Hudson, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, McCollum, McVay, Metcalfe, Mobley, Moore of M. Murphree, Musgrove, Oliver, Philpot, Rather, Richardson, Ross, Rugely, Sanders, Shortridge, Stephens, Townsend Walker, Ward and Williams.

Mr Clark moved a call of the previous question. The previous question was then demanded by a majority of the members present, when the said previous question was put, viz : Shall the main question be now put ? and passed in the affirmative ; and the main question was on ordering the bill to the third reading. The bill was then ordered to be engrossed for the third reading on to-morrow.

The same committee to whom was referred a bill entitled an act to quiet the claim to certain property in the city of Mobile, therein named, reported the same to the House without amendment. On motion, the report was laid on the table. Mr Mardis moved that the further consideration of the bill be indefinitely postponed ; which was carried.

Mr Dillahunt, from the committee on the State Bank, to which was referred the petition of sundry citizens of the city of Mobile, reported that there is now a bill before the House to establish a Branch of the Bank of the State of Alabama, at —, and asked leave to be discharged from the further consideration of said petition ; which was granted.

Mr Dillett, from the judiciary committee to whom was referred a bill entitled an act for the relief of the holders of lots purchased at the first sale of lots in the town of Cahawba, reported the same to the House without amendment. The bill was then ordered to be engrossed for the third reading on to-morrow.

The same committee to whom was referred a bill entitled an act more

effectually to secure the compensation allowed by law to the jurors of Monroe county, reported the same to the House without amendment; and the constitutional rule requiring bills, &c. to be read on three several days being dispensed with, the bill was considered as engrossed, read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Taylor, from the committee on the military to which was referred the message of His Excellency the Governor, in relation to the distribution of certain military books received by this State from the United States' Government, reported the following resolution: *Resolved*, that the Secretary of State be, and he is hereby required to contract for the transportation and distribution of the infantry tactics received by this State from the United States, in the same manner as is now provided for the distribution of the laws and journals of this State, allowing to each Major and Brigadier General, each Colonel, Lieut. Colonel, Major, Captain, Lieutenant and Ensign, one copy each; which was read and adopted.

Mr Dillett, from the judiciary committee to whom was referred a resolution directing them to inquire into the expediency of regulating contested elections, by other and more specific regulations than the existing laws afford, reported that it is inexpedient to legislate on the subject at this time; which was concurred in.

Mr Moore of M. from the committee on lands appropriated for internal improvement, to which was referred a memorial of the General Assembly of the State of Alabama, to the honorable the Senate and House of Representatives of the United States in Congress assembled, reported the same to the House without amendment, and asked leave to be discharged from the further consideration thereof. Mr Coopwood moved that the report and memorial lie on the table; which was carried.

Mr Coopwood, from the committee on the State Bank, to whom was referred a petition from sundry planters and merchants of the town and county of Montgomery, praying the location of a Branch of the State Bank in said town, reported that in the opinion of the committee, the Bank to afford that benefit to the people of the State which was intended by its charter, ought to be branched, and have reported a bill for that purpose, which is now before the House. On motion, the report was laid on the table.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have read three several times and passed bills, entitled, an act to amend the laws now in force regulating proceedings by attachment; and an act to alter and amend an act to incorporate the stockholders and subscribers to the newly invented marine railway, in the city of Mobile, under the patent granted by the authority of the United States to Daniel Rodgers, the original inventor; in which they request the concurrence of your honorable body.

The bill from the Senate entitled an act to amend the laws now in force regulating proceedings by attachment, was read the first time and ordered to a second reading on to-morrow.

The bill from the Senate entitled an act to alter and amend an act to incorporate the stockholders and subscribers to the newly invented marine railway in the city of Mobile, under the patent granted by the authority of the United States to Daniel Rogers, the original inventor, was read the first time; and the constitutional rule requiring bills, &c. to be read on three several days being dispensed with, the bill was forthwith read the third time and passed. *Ordered*, that the title be as aforesaid.—*Ordered*, that the clerk acquaint the Senate therewith.

Mr Hudson, who voted in the majority on the indefinite postponement of the bill entitled an act to quiet the claim to certain property in the city of Mobile, therein named, moved to reconsider the vote ; which was carried. Yeas 39—Nays 21.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Acklen, Baker, Barclay, Boyd, Brodnax, Chiles, Coopwood, Cunningham, Dillahunty, Dillett, Durand, Everett, Faulk, Gayle, Gilbreath, Harris, Hickman, Hodges, Hogan, Hogg, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Lea, M'Collum, Mobley, Musgrove, Philpott, Rather, Riddle, Ross, Rugeley, Sanders, Shortridge, Stevens, Taylor, Ward and Williams.

Those who voted in the negative are, messrs Speaker, Brown, Clark, Clough, Collins, Hall, Herbert, Hudson, Langford, Lawler, Mardis, Massey, M'Vay, Moore of M. Moore of W. murphree, Oliver, Price, Richardson, Townsend, and Walker.

It being eleven o'clock, mr Herbert moved to suspend the orders of the day ; which was carried.

The question then recurred on the indefinite postponement of the bill ; which was carried. Yeas 30—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Boyd, Brown, Clark, Clough, Collins, Hall, Herbert, Hodges, Hogg, Hudson, Jackson, King of J. King of M. King of P. Langford, Lawler, Mardis, Massey, M'Collum, M'Vay, Moore of M. Moore of W. Musgrove, Price, Richardson, Taylor, Townsend, Walker and Young.

Those who voted in the negative are messrs Acklen, Baker, Barclay, Brodnax, Chiles, Coopwood, Cunningham, Durand, Everett, Faulk, Gayle, Gilbreath, Harris, Hickman, Hogan, Lane, Lea, Mobley, Oliver, Philpott, Rather, Riddle, Ross, Rugeley, Sanders, Shortridge, Stevens, Ward and Williams.

On motion of mr Hudson, leave of absence was granted to mr Horton until to-morrow.

Mr Acklen made the following report : The committee on enrolled bills have examined, and found correctly enrolled, an act concerning the County Court of Mobile county, and for other purposes ; an act authorizing a jury to be drawn to attend the County Courts of certain counties, and for other purposes ; an act to amend an act entitled an act to amend an act, to regulate the licensing physicians to practice, and for other purposes, passed the 15th day of January, 1830 ; an act permanently to fix the seat of justice in the county of Monroe ; and an act to divide the 20th regiment of the militia of this State, and for other purposes, all of which originated in this House ; and also, an act to appoint an additional surveyor for the counties of Lawrence and Lauderdale, which originated in the Senate

The House then proceeded to the consideration of the orders of the day.

Mr Baker, who voted in the majority on the adoption of the joint resolutions, protesting against the establishment of a branch or office of discount and deposit of the Bank of the United States, in the State of Alabama, moved to reconsider that vote.

Mr Baker moved to take from among the orders of the day a bill entitled an act for the relief Philemon Waters, and that the House now proceed to the consideration thereof. Mr Speaker decided that it is out of order to take up any bill out of its turn ; from which decision mr Baker appealed, and the decision of mr Speaker was sustained by the House. Yeas 43—Nays 20.

The yeas and nays being desired, those who voted in the affirmative are, messrs Acklen Boyd Brown Chiles Clough Collins Coopwood Cunningham Dillahunty Dillett Durand Everett Faulk George Gilbreath Hall Hogg Hudson Kilpatrick King of J. King of M. Lane Langford Lawler Lea Mardis Massey McCollum McVay Metcalfe Moore of W. Murphree Musgrove Philpot Price Rather Ross Stevens Taylor Walker Ward Williams and Young.

Those who voted in the negative are, messrs Baker Barclay Brodnax Clark Gayle Harris Herbert Hickman Hodges Hogan Jackson Mobley Moore of M. Oliver Riddle Richardson Rugely Sanders Shortridge and Townsend.

The report and resolution made on yesterday by Mr Gayle, from the committee on education, being under consideration, Mr Clark moved that they lie on the table; which was carried.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have read three several times and passed bills entitled, an act to change the name of Henrietta Amanda Caldwell to Henrietta Amanda Huber; and, an act to improve the navigation of the Coosa river: in which they desire the concurrence of the House of Representatives. They have also read three several times and passed bills which originated in the House of Representatives entitled an act to regulate the rate of pilotage over the Outer Bar and Dog River Bar in Mobile Bay; and, an act to discontinue and establish certain election precincts there specified. The latter bill they have amended, as herewith shewn: in which they ask the concurrence of your honorable body.

The bill from the Senate entitled an act to provide for the free admission of students into the University of Alabama, from the several counties of this State in proportion to their population, being under consideration, Mr Coopwood moved that it lie on the table; which was lost. Yeas 15—Nays 23.

The yeas and nays being desired, those who voted in the affirmative are, messrs Baker Clough Cook Coopwood Dillahunty Gayle Hickman Kilpatrick Lane Leac Metcalfe Oliver Riddle Rugely and Walker.

Those who voted in the negative are messrs Speaker Acklen Barclay Boyd Brodnax Brown Chiles Clark Collins Cunningham Dillett Durand Everett George Hall Harris Herbert Hodges Hogan Hogg Hudson Jackson King of J. King of P. Langford Lawler Madis Massey McCollum McVay Moore of M. Moore of W. Mugrove Philpott Price Rather Richardson Ross Sanders Shortridge Stevens and Townsend.

Mr Coopwood moved to amend the bill by striking out all after the enacting clause, with a view of inserting a substitute. Mr Clark moved to amend the 6th section of the bill by striking out the last word, viz: *years*, and inserting in lieu thereof the words, *one year*. A division of the question being called for, the question was first taken on striking out, and lost. Mr King of J. moved to amend the sixth section of the bill by filling the blank with the word *two*; which was carried. Mr Moore of M. moved to amend the bill further, by adding thereto an additional section. Mr Clark called for the previous question; which was lost. The question then recurred on the amendment of Mr Moore of M., and lost. The question then recurred on Mr Coopwood's amendment; and a division of the question being called for, the question was first taken on striking out.

And then the House adjourned to three o'clock this evening.

Three o'clock.—The House met pursuant to adjournment.

The House resumed the consideration of Mr Coopwood's amendment to the bill entitled an act to provide for the free admission of students into the University of Alabama from the several counties of this State in proportion to their population, and a division of the question being called for, the question was first taken on striking out, and lost. Yeas 27—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, messrs Baker, Clough, Cook, Coopwood, Dillahunty, Faulk, Gayle, Hall, Hickman, Hodgeson, Jackson, Kilpatrick, King of J. King of P. Lane, Langford, Lea, Massey, McCollum, McVay, Metcalfe, Mobley, Oliver, Sanders Walker and Ward.

Those who voted in the negative are, messrs Speaker, Acklen, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Collins, Cunningham, Dillett, Durand, Gilbreath, Harris, Herbert, Hodges, Hogan, Hogg, King of M. Lawler, Madis, Moore of M.

Store of W. murphree, musgrove, Philpott, Price, Rather, Riddle, Richardson, Ross, Rugeley, Shortridge, Stephens, Taylor, Townsend, Williams and Young.

Mr Dillett moved that the bill be indefinitely postponed; which was carried. Yeas 36—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Baker Brodnax Chiles Clough Cook Coopwood Dillahunt Dillett Durand Faulk Gayle George Gilbreath Hall Harris Herbert Hickman Hogan Hudson Jackson King of P. M'Collum Metcalfe Moore of M. Oliver Price Riddle Richardson Ross Rugeley Stephens Taylor Townsend Walker and Ward.

Those who voted in the negative are, messrs Acklen Barclay Boyd Brown Clark Collins Cunningham Hodges Hogg Kilpatrick King of J. King of M. Lane Langford Lawler Lea mardis Massey M'Vay mobley Moore of W. Murphree Musgrove Philpot Rather Sanders Shortridge Williams and Young.

A message from the Senate by mr Gayle: Mr Speaker—The Senate concur in the resolution requesting the joint committee appointed to examine the Bank, to report any information relative to errors committed by the officers of the Bank. They disagree to the amendments made by the House of Representatives to the joint resolution to authorize the Secretary of State to procure books and stationery for the use of the State Departments and General Assembly. They concur in the several amendments made by the House of Representatives to the bill entitled an act to amend an act in relation to capital crimes committed by slaves. They have passed a bill which originated in the House of Representatives entitled an act to amend the several acts in relation to the compensation of the petit jurors in the counties of Henry and Dale. They have also passed a bill which originated in the House of Representatives, entitled an act making it the duty of the proper officers of those counties in which any business is pending which properly belongs to the county of Lowndes, to transfer the same to said county, and have amended the same as herewith shewn: in which they desire your concurrence. They have also passed a bill which originated in the House of Representatives, entitled an act to alter and change the time of holding the County Courts of the counties of Pickens and Greene. They have also passed a bill which originated in their House, entitled an act to revive a certain act therein named: in which they desire the concurrence of the House of Representatives.

The bill entitled an act to set apart the nett proceeds of the University fund for the establishment of preparatory schools in each county in this State, and to provide for an increase of the funds hereby appropriated to that object, being under consideration, mr Clark moved that it be indefinitely postponed; which was lost. Yeas 31—Nays 34.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Barclay Brodnax Chiles Clark Collins Dillett Durand Gayle Gilbreath Harris Herbert Hogan Hogg Lawler Mardis M'Collum, moore of W. Philpot Price Rather Richardson Ross Rugeley Shortridge Stephens Taylor Townsend Williams and Young.

Those who voted in the negative are, messrs Baker Boyd, Brown Clough Cook Coopwood Cunningham Dillahunt Faulk George Hall Hickman Hodges Hudson Jackson Kilpatrick King of J. King of M. King of P. Lane Landford Lea Massey M'Vay metcalfe mobley moore of M. murphree musgrove Oliver Sanders Walker and Ward.

Mr Young then moved that the bill lie on the table; which was carried. Yeas 35—Nays 27.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Acklen, Barclay, Boyd, Brodnax Chiles, Clark Collins, Cook, Dillett, Durand, Gayle, Gilbreath, Harris, Herbert, Hogan, Hogg, Lawler, M'Collum, Mobley, Moore of M. Moore of W. Oliver, Riddle Philpot Price, Richardson, Ross, Rugeley, Shortridge, Taylor, Townsend, Williams and Young.

Those who voted in the negative are, messrs Baker, Brown, Clough, Coopwood, Cunningham, Dillahunt, Faulk, George, Hall, Hickman, Hodges, Hudson, Jackson,

Kilpatrick, King of J. King of M. King of P. Lane, Lea, Massey, M'Vay, Metcalfe, Musgrove, Rather, Sanders, Walker, Ward.

A message from his Excellency the Governor, by James I. Thornton, Esq. Secretary of State, which is as follows: Mr Speaker—I am requested by the Governor to inform your honorable body that he did, on the 10th instant, approve and sign an act for the relief of A. Vansant; and on this day (11th January) an act authorizing the Comptroller of Public Accounts to draw a warrant as therein expressed; an act to authorize David Wallis and Amos Jarmon, of the county of Lawrence, to erect a mill on the Tennessee river; an act to authorize John L. Pearson, of St. Clair county, to erect a mill and other water works in said county; an act to amend an act entitled an act to incorporate the town of Bellefonte, in the county of Jackson; and, an act to incorporate the Trustees of Jefferson Academy, at Elyton: all of which originated in the House of Representatives.

The bill entitled an act to admit students whose parents or guardians are unable to pay for their board and tuition in the University of Alabama, being under consideration. Mr Sanders moved that it lie on the table.

And then the House adjourned to half past 6 o'clock to-night.

At half past six o'clock—A quorum not having assembled, Mr Mobley moved a call of the House; which was lost.

A quorum then assembled, and the House proceeded to business.

The House resumed the consideration of Mr Sanders' motion to lay the bill on the table, entitled an act to admit students whose parents or guardians are unable to pay for their board and tuition in the University of Alabama. Mr Sanders asked leave to withdraw his motion; which was granted. Mr Clark moved that the bill lie on the table; which was carried.

Mr Herbert moved to suspend the orders of the day; which was carried.

On motion of Mr Herbert: *Resolved*, that the Senate be invited to assembly in the Representative Hall for the purpose of going into the election of judges for the County Court of Conecuh and Wilcox counties.

Mr Baker moved to call up the bill entitled an act to repeal an act entitled an act to establish a Board of Internal Improvement; which was carried. Yeas 47—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Acklen, Baker, Barclay, Brodnax, Brown, Chiles, Clough, Collins, Coopwood, Cunningham, Dillett, Durand, Faulk, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Horton, Hudson, Jackson, Kilpatrick, King of J. King of P. Langford, McCollum, McVay, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Ross, Rugeley, Stevens, Taylor, and Ward.

Those who voted in the negative are, messrs Clark, Hogg, Lawler, Lea, Massey, Sanders, Shortridge, and Williams.

The Senate having repaired to the Hall of the House of Representatives, and taken their seats, the two Houses then proceeded to the election of a judge of the county court for Conecuh county. Mr Burnett alone being in nomination; for Mr Burnett 79 votes.

Those who voted for Mr Burnett are, Mr President, Abercrombie, Anderson, Bridges, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Irwin, Jackson, Merriwether, Morton, Powell, Smith and Vining —Reps. Mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Collins, Coopwood, Cunningham, Dillett, Durand, Faulk, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Langford, Lawler, Lea, Massey, M'Collum, M'Vay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Ross, Rugeley, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, and Williams.—79

Mr Burnett having received all the votes present, was declared by Mr Speaker to be duly and constitutionally elected judge of the county court.

of Conecuh county. The two Houses then proceeded to elect a judge of the county court for Wilcox county; Benjamin Williamson alone being in nomination, received 74 votes.

Those who voted for Mr Williamson are, messrs President, Abercrombie, Anderson, Bridges, Crawford, Dupuy, Edmondson, Hemphill, Hogan, Lewin, Jackson, Merriweather, Moron, Perry, Powell, Smith and Young. — Reps. messrs Speaker, Acklen, Baker, Boyd, Brodnax, Brown, Clough, Collins, Coopwood, Cunningham, Dillett, Durand, Felt's, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hogan, Hodges, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of M. King of P. Lane, Langford, Lea, Mardis, Massey, McCollum, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Ross, Rugeley, Sanders, Stephens, Taylor, Townsend, Walker, Ward, Williams and Young.

Messrs Chiles, Clark, Gayle, King of J. Lawler, McVay and Shortridge, voted for Mr John W. Wilson.

Mr Williamson having received a constitutional majority, was declared by Mr Speaker to be duly elected judge of the county court of Wilcox county. And then the Senate withdrew.

The House then resumed the consideration of the bill entitled an act to establish a board of internal improvement. The question was on ordering the bill to be engrossed, and read a third time, and made the special order of the day for to morrow. A division of the question being called for, the vote was first taken on ordering the bill to a third reading, and carried. The vote was then taken on making it the special order of the day, and carried.

The bill from the Senate entitled an act to change the name of Henrietta Amanda Caldwell, to Henrietta Amanda Huber, was read a first time: and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith: and the rule being further dispensed with, it was read a third time forthwith, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act improving the navigation of the Coosa river, was read a first time. Mr McCollum moved that the bill be indefinitely postponed; which was lost. Yeas 17—Nays 44.

The yeas and nays being desired, those who voted in the affirmative are, messrs Barclay, Collins, Dillett, George, Gilbreath, Horton, Hudson, Jackson, Kilpatrick, King of M. McCollum, McVay, Metcalfe, Mobley, Price, Riddle and Young.

Those who voted in the negative are, messrs Speaker, Acklen, Baker, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coopwood, Cunningham, Durand, Gayle, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, King of J. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpot, Rather, Richardson, Ross, Rugeley, Sanders, Taylor, Townsend, Walker, Ward and Williams.

And the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith. Mr Coopwood moved to amend it, by adding thereto an additional section. Mr Barclay then moved that the bill and amendment lie on the table; which was lost. Mr Hudson then moved to refer it to the committee on inland navigation; which was carried. Mr Baker who voted in the majority on the reference to the committee on inland navigation moved to reconsider the vote; which was carried. Yeas 33—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are, messrs Baker, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Durand, Gayle, Hall, Herbert, Hickman, Hodges, Hogan, King of J. King of P. Langford, Lawler, Mardis, Massey, McVay, Murphree, Musgrove, Oliver, Rather, Richardson, Ross, Rugeley, Sanders, Townsend, Walker, Ward and Young.

Those who voted in the negative are, messrs Speaker, Acklen, Barclay, Collins, Coopwood, Cunningham, Dillett, Felt's, George, Harris, Hogg, Horton, Hudson, Jack-

son. Kilpatrick, King of M. Lane, Lea, M. Collum, Metcalfe, Mobley, Moore of M. Moore of W. Philpot, Price, Riddle, Shortridge, Taylor and Williams.

The question then recurred on Mr Coopwood's amendment. Mr Gayle moved to amend Mr Coopwood's amendment, with the following: "And from Tuscaloosa to Montgomery, by way of Greensboro', Cahawla and Selma; which was adopted. Mr Rather called for the previous question, and the question being put, Shall the main question be now put? and lost. The question was then on the adoption of Mr Coopwood's amendment as amended by Mr Gayle, and lost. Yeas 15--Nays 45.

The yeas and nays being desired, those who voted in the affirmative are, messrs Barclay Collins Coopwood Hodges Hudson King of M. M. Collum Metcalfe Mobley Moore of M. Riddle Richardson Shortridge Walker Williams.

Those who voted in the negative are, messrs Speaker Acklen Baker Boyd Brodax Brown Chiles Clark Clough Cunningham, Dillett Durand Gayle George Hall Harris Herbert Hickman Hogan Hogg Horton Jackson King of J. King of P. Lane Langford Lawler Lea Mardis Massey M'Vay Moore of W. Murphree Musgrove Oliver Philpot Price Rather Ross Rugely Sanders Taylor Townsend Ward and Young.

Mr Musgrove moved to amend the 8th section of the bill with the following: *And the Black Warrior river up to the place commonly called Baltimore on the said river.* Mr Mobley moved to postpone the bill until 11 o'clock on Saturday next, P. M.; which was lost. The question recurred on Mr Musgrove's amendment; which was adopted.

Mr Gilbreath moved that the House adjourn until to-morrow morning 9 o'clock; which was lost.

Mr Coopwood moved to strike out the 3d section of the bill; which was lost. Yeas 25--Nays 36.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Barclay Collins Coopwood George Hickman Horton Hudson Kilpatrick King of M. Lane M. Collum M'Vay, Mobley, Moore of M. Philpot, Price, Rather, Riddle Richardson Sanders Walker Williams and Young.

Those who voted in the negative are, messrs Baker Boyd Brewa Chiles Clark Clough Cunningham Dillett Durand Faulk Gayle Hall Harris Herbert Hodges Hogan Hogg, Jackson King of J. King of P. Langford Lawler Lea Mardis Massey Metcalfe Moore of W. Murphree Musgrove Oliver Ross Rugely Shortridge Taylor Townsend Ward.

Mr Moore of M. moved that the House adjourn until to-morrow morning 9 o'clock: which was carried. And then the House adjourned.

Wednesday, Jan. 12, 1831.—At 9 o'clock a quorum not having assembled, Mr Clough moved a call of the House; when the following members answered to their names, viz. messrs *Speaker, Boyd, Brown, Clough, Collins, Dillahunty, Dillett, Durand, Everett, Faulk, Gilbreath, Herbert, Hogan, Hogg, Horton, Jackson, Kilpatrick, King of J. King of P. Langford, Lawler, Lea, Massey, M. Collum, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpot, Rather, Ross, Rugely, Shortridge, Stephens, Townsend, Walker, Ward and Williams.* Whilst the call was going on a quorum assembled.

On motion of Mr Herbert: *Ordered*, that Mr Taylor have leave of absence for the day; Mr Taylor being absent on a court martial.

Mr Coopwood moved to amend the Journal of yesterday with the following: *which provides for the purchase of slaves by the State*, to come in at the end of his motion to strike out the 3d section of the bill entitled an act to improve the navigation of the Coosa river; which was lost.

The House resumed the consideration of the bill entitled an act to improve the navigation of the Coosa river. Mr Baker moved that the rule requiring bills to be read on three several days be dispensed with, and that the bill be read a third time forthwith; which was lost. Mr Clark then moved that the bill be read a third time, and made the special order of the day for to-morrow. The previous question was then called for by Mr Clark; and the question was, Shall the main question be now put? which was carried. Yeas 46--Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs Baker, Barclay, Boyd, Brown, Chiles, Clark, Clough, Collins, Cunningham, Dillahunty, Dillett, Durand, Everett, Faulk, Hall, Harris, Herbert, Hogan, Hogg, Hudson, Jackson, Kilpatrick, King of J. King of P. Lane, Langford, Lawler, Mardis, Massey, McVay, Metcalfe, Moore of M. Murphree, Musgrove, Price, Rather, Riddle, Richardson, Ross, Rugeley, Shortridge, Taylor, Townsend, Ward, Williams and Young.

Those who voted in the negative are, messrs Speaker, Acklen, Coopwood, Hickman, Hodges, Horton, King of M. Lea, McCollum, Mobley, Moore of M. Oliver, Philpot, Sanders, Stevens.

A division of the main question was called for; and the vote was first taken on ordering the bill to a third reading to-morrow; which was carried. The vote was then taken on making it the special order of the day, and carried. Yeas 38--Nays 26.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Baker, Boyd, Brodnax, Brown, Chiles, Clark, Collins, Dillahunty, Dillett, Durand, Everett, Gayle, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Jackson, King of J. King of P. Langford, Lawler, Mardis, Massey, Murphree, Musgrove, Oliver, Rather, Ross, Rugeley, Sanders, Taylor, Townsend, Ward and Williams.

Those who voted in the negative are, messrs Acklen, Barclay, Clough, Coopwood, Cunningham, Faulk, Gilbreath Horton, Hudson, Kilpatrick, King of M. Lane, Lea, McCollum, McVay, Metcalfe, Mobley, Moore of M. Moore of W. Philpott, Price, Riddle, Richardson, Shortridge, Stephens and Young.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, a joint resolution providing for the distribution of the laws of the United States; and, an act in relation to the organization of the militia companies in the county of Walker: all of which originated in the Senate.

Mr Everett moved that the House disagree to the amendments made by the Senate to the bill entitled an act to discontinue and establish certain election precincts therein specified, by striking out so much of the second section, as proposes to establish an election precinct at Jesse Lott's, in Mobile county, and at Madame Alvarez's in said county. Mr Everett moved that the House disagree to the amendment made by the Senate, by adding section 9, which relates to an election precinct in Baldwin county. *Ordered*, that the House disagree to the amendments made by the Senate, by adding section 3. *Ordered*, that the House concur in all the other amendments to said bill. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Rather moved that the House recede from their amendments made to the joint resolution to authorize the Secretary of State to procure books and stationary for the use of the State Departments and the General Assembly; which was carried. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Rugeley moved that the House concur in the amendments made by the Senate to the bill entitled an act making it the duty of the proper officers of the counties in which any business is pending which properly belongs to the county of Lowndes, to transfer the same to said county; which was carried. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to amend the several acts in relation to the compensation of the petit jurors in the counties of Henry and Dale; an act to alter and change the time of holding the county courts of the counties of Pickens and Greene; and, an act to regulate the pilotage over the Outer Bar and Dog river Bar in Mobile Bay: all of which originated in this House.

The bill from the Senate entitled an act to revive a certain act therein named, was read a first time. Mr Clark moved that the further consideration of the bill be indefinitely postponed; which was lost. Yeas 31--Nays 36.

The yeas and nays being desired, those who voted in the affirmative are, messrs Baker, Boyd, Brodnax, Clark, Clough, Dillitt, Durand, Hall, Harris, Herbert, Horton, Hudson, Langford, Lawler, Mardis, Massey, McCollum, Metcalfe, Moore of W. Murphree, Musgrove, Oliver, Rather, Riddle, Ross, Rugeley, Sanders, Walker, Ward, Young.

Those who voted in the negative are, messrs Speaker, Acklen, Barclay, Brown, Chiles, Collins, Cook, Coopwood, Cunningham, Everett, Faulk, Gayle, George, Gilbreath, Hickman, Hodges, Hogan, Hogg, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Lea, McVay, Mobley, Moore of M. Philpott, Price, Richardson, Shortridge, Stephens, Townsend and Williams.

Mr Gayle then moved that the bill be ordered to a second reading, and made the special order of the day for to-morrow. A division of the question being called for, the question was first put on making it the special order, and lost. The bill was then ordered to a second reading on to-morrow.

Mr Coopwood moved that the consideration of the orders of the day be suspended; which was lost.

The engrossed bill entitled an act to regulate the rate of wharfage in the city of Mobile, was read a third time. Mr Harris moved to amend the first section of the bill by way of engrossed rider, inserting the words "on the articles herein after mentioned," after the word "either," which was read.

Mr Coopwood moved that the bill be indefinitely postponed; which was lost. Yeas 23--Nays 40.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Baker, Barclay, Cook, Coopwood, Dillahunt, Dillitt, Durand, Everett, Gayle, George, Lane, Lea, McVay, Mobley, Philpott, Rather, Riddle, Rugely, Sanders, Shortridge, Ward, and Young.

Those who voted in the negative are, messrs Acklen, Boyd, Brown, Chiles, Clark, Clough, Collins, Cunningham, Faulk, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of M. King of P. Langford, Lawler, Massey, McCollum, Metcalfe, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Richardson, Ross, Stephens, Taylor, Townsend, Walker, Williams.

Mr Durand moved a call of the House; which was carried. And upon the call the following members were absent, messrs *Acklen, Brodnax, Coker, Dubose and Kilpatrick*. The further consideration of the bill was therefore suspended for one hour by the operation of the rule of the House.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have read three several times and passed bills which originated in the House of Representatives to be entitled, An act making an appropriation therein named; and an act permanently to fix the seat of justice of Clarke county, and for other purposes. The last mentioned bill they have amended as herewith shewn, in which they desire the concurrence of your honorable body. They have rejected a bill which originated in the House of Representatives entitled, An act for the relief of the officers and privates of the 11th regiment of the militia of this State. They have disagreed to all the amendments made by your honorable body to a bill which originated in their House, entitled, An act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State. They have also read three several times and passed bills which originated in their House of the following titles, to wit: An act for the relief of the City Troop, commanded by Capt. James Taylor, of the city of Mobile; an act for the relief of the Fire Engine Company No. 2, of the city of Mobile; an act to change the line between the counties of Montgomery and Shelby; an act authorizing the alteration of a road therein named; and an act for the relief of Philomon Waters, Robert M. Hails, and John S. Bailey: in all of which they desire the concurrence of your honorable body.

Mr Mobley moved that the house disagree to the amendments made by the Senate to the bill entitled, An act permanently to fix the seat of Justice of Clarke county, and for other purposes; which was carried. *Ordered*, that the Clerk acquaint the Senate therewith.

Mr Coopwood moved that the House recede from their amendments made to the bill from the Senate, entitled, An act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State; which was lost.

Mr Mardis then moved that a committee of conference be appointed; which was carried: whereupon, Messrs Mardis, Cook, and Oliver were appointed said committee on the part of the House. *Ordered*, that the Clerk acquaint the Senate therewith.

The bill from the Senate entitled, An act for the relief of the City Troop commanded by Capt. James Taylor, of the city of Mobile, was read a first time: and the constitutional rule requiring bills, &c. to be read on three several days being dispensed with, the bill was forthwith read a second time; and the rule being further dispensed with, the bill was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the Clerk acquaint the Senate therewith.

The bill from the Senate entitled, An act for the relief of the Fire Engine Company No. 2, of the city of Mobile, was read the first time: and the constitutional rule requiring bills, &c. to be read on three several days being dispensed with, the bill was forthwith read the second time; and the rule being further dispensed with, the bill was forthwith read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the Clerk acquaint the Senate therewith.

The bill from the Senate entitled, An act to change the line between the counties of Montgomery and Shelby, was read the first time: and the constitutional rule requiring bills, &c. to be read on three several days being dispensed with, the bill was forthwith read the second time; and the rule being further dispensed with, the bill was forthwith read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the Clerk acquaint the Senate therewith.

The bill from the Senate entitled, An act authorizing the alteration of a road therein named, was read the first time: and the constitutional rule requiring bills, &c. to be read on three several days being dispensed with, the bill was forthwith read the second time. Mr Clark moved that the bill be indefinitely postponed.

Mr Speaker announced that the hour had expired for which the call of the House was made, on the consideration of the bill entitled, An act to regulate the rates of wharfage in the city of Mobile.

And then the House adjourned to 3 o'clock P. M.

Evening Session, 3 o'clock.—Mr Gayle moved that the Clerk be directed by Mr Speaker to make out a separate docket for the local and personal bills by half past six o'clock this evening; which was carried.

Mr Cook called up the bill entitled, An act to authorize Thomas McDonald to collect toll on a bridge across the Conecuh river; which was ordered to be placed among the orders of the day for a third reading on to-morrow.

Mr Coopwood moved that the consideration of the orders of the day be suspended; which was carried.

Mr Coopwood, from the committee on the State Bank to which was referred a resolution instructing them to inquire into the propriety of passing a law prohibiting the Clerks of the County and Circuit Courts of Tuscaloosa county from taxing a county tax in the bills of cost on judgments rendered in their Courts in favour of the Bank of the State of Alabama, reported a bill to be entitled, An act to prohibit the Clerks of the Circuit and County Courts of Tuscaloosa county from taxing in the bill of cost a county tax on judgments rendered in favour of the Bank of the State of Alabama; which was read a first time: and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith; and the rule being further dispensed with, the bill was considered as engrossed, and read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Dillahunt moved to suspend the orders of the day; which was carried.

The House resumed the consideration of Mr Baker's motion to reconsider the vote upon the adoption of the joint resolutions of the General Assembly of the State of Alabama, protesting against the establishment

of a branch or office of discount and deposit of the Bank of the United States in the State of Alabama; which was carried. Mr Lea moved to amend the resolution by striking out the words "a favored few;" which was carried. The question was then on the adoption of the resolution as amended. The previous question was called for by Mr Clark; the previous question was then demanded by a majority of the members present, when the said previous question was put, viz: Shall the main question be now put? and passed in the affirmative. The main question was on the adoption of the resolutions, and carried. Yeas 46—Nays 20.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen, Baker, Boyd, Brodnax, Brown, Clark, Clough, Collins, Cook, Coopwood, Dubose, Dillahunty, Faulk, Gayle, George, Hall, Herbert, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, King of J. King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Riddle, Rugeley, Shortridge, Townsend, Walker, Ward and Williams.

Those who voted in the negative are messrs Speaker, Barclay, Chiles, Cunningham, Dilleit, Durand, Everett, Gilbreath, Harris, Hickman, McCollum, McVay, Philpott, Price, Rather, Richardson, Sanders, Stevens, Taylor and Young.

Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Everett moved to suspend the orders of the day; which was lost.

A bill from the Senate entitled an act for the relief of Philomon Waters, Robert M. Hails and John S. Bailey, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, the bill was then read a second time forthwith. Mr Baker moved that the rule be further dispensed, and that it be read a third time forthwith; which was lost. Yeas 44—Nays 20.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Acklen, Baker, Barclay, Brodnax, Brown, Collins, Cook, Coopwood, Dubose, Dilleit, Durand, Everett, Faulk, Gayle, George, Gilbreath, Harris, Herbert, Hickman, Hegan, Horton, Jackson, King of P. Langford, Lea, Mardis, Massey, Mobley, Moore of W. Musgrove, Oliver, Price, Rather, Riddle, Richardson, Ross, Rugeley, Sanders, Shortridge, Taylor, Townsend, Williams and Young.

Those who voted in the negative are messrs Boyd, Chiles, Clark, Clough, Cunningham, Dillahunty, Hall, Hodges, Hogg, Hudson, King of M. Lawler, McCollum, McVay, Metcalfe, Moore of M. Philpott, Stevens, Walker and Ward.

Mr Durand moved to amend the bill by adding thereto an additional section; which was carried. Mr Shortridge moved to amend the bill by adding an additional section; which was lost. The bill was then ordered to a third reading, and made the special order of the day for to-morrow.

The House resumed the consideration of the bill entitled an act authorizing the alteration of a road therein named. The question was on Mr Clark's motion to postpone the bill. Mr Clark asked leave to withdraw the motion, which was granted. It was referred to the representation from Greene, Shelby, Perry and Bibb counties to consider and report thereon.

The House then proceeded to the consideration of the orders of the day.

The House resumed the consideration of the engrossed bill entitled an act to regulate the rates of wharfage in the city of Mobile. The question was on Mr Harris's amendment; which was read a second and third time forthwith. Mr Durand moved to amend the bill by way of the following engrossed rider: "*Provided*, that nothing in this act shall be so construed as to divest any vested rights;" which was read three several times and adopted: and the question being put, Shall this bill pass? It was determined in the affirmative. Yeas 37—Nays 22.

The yeas and nays being desired, those who voted in the affirmative are, messrs Acklen, Boyd, Clark, Clough, Collins, Cunningham, Dubose, Dillahunty, Faulk, Hall, Harris, Herbert, Hickman, Hogan, Hogg, Horton, Hudson, Jackson, King of M. King of P. Langford, Lawler, Mardis, Massey, M'Collum, M'Vay, Metcalfe, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Ross, Taylor, Townsend, Walker and Williams.

Those who voted in the negative are, messrs Speaker, Baker, Brodnax, Chiles, Coopwood, Dillett, Durand, Everett, Gayle, Gilbreath, Hodges, Lane, Lea, Mobley, Philpott, Rather, Riddle, Richardson, Rugeley, Sanders, Shortridge and Young.

Mr Durand moved to amend the title of the bill with the following: "an act to reduce the price of wharf property in the city of Mobile, and to ruin the present possessors of that kind of property;" which was lost. Yeas 7—Nays 50.

The yeas and nays being desired, those who voted in the affirmative are, messrs Baker Dillahunty Durand Everett Hodges Shortridge and Taylor.

Those who voted in the negative are, messrs Speaker Acklen Boyd Brodnax Brown Chiles Clark Clough Collins Cunningham Dubose Dillett Faulk Gayle Hall Harris Herbert Hickman Hogan Hogg Horton Hudson Jackson King of M. King of P. Lane Langford Lawler Lea Mardis Massey M'Collum M'Vay Metcalfe Mobley Moore of M. Moore of W. Murphree Musgrove Philpott Rather Riddle Richardson Ross Rugeley Sanders Townsend Walker Williams and Young.

Mr Baker moved to reconsider the vote taken on ordering the bill entitled an act to repeal an act entitled an act to establish a board of internal improvement for the State of Alabama, approved January 15th, 1830; which was lost.

The previous question was called for by mr Coopwood.

The House then adjourned untill this evening at half past 6 o'clock.

Night session, half past 6 o'clock.—The House met pursuant to adjournment.

Mr Moore of M. asked leave of the joint committee on the part of this House, elected for the purpose of examining the Bank, for the remainder of the evening; which was granted.

Mr Baker moved to suspend the orders of the day; which was carried.

Mr Baker introduced a bill to be entitled an act to appoint a commissioner of internal improvement for the State of Alabama; which was read. Mr Baker moved that the bill be read a second time, and made the special order of the day for to-morrow. A division of the question being called for the vote was first taken on reading the bill a second time on to-morrow, and carried; the vote was then taken on the special order, and lost. Mr Coopwood moved to suspend the orders of the day for the purpose of taking into consideration bills of local character; which was carried.

The bill entitled an act to authorize William M. Marr, to open and keep in repair a certain road therein mentioned, was read a second time.

Mr Williams moved to amend the bill by adding thereto an additional section. Mr Coopwood moved that the bill be indefinitely postponed; which was lost. It was referred to the representation from Tuscaloosa county to consider and report thereon.

The bill entitled an act to establish the line between the counties of St Clair and Jefferson, and to repeal an act entitled an act to alter the boundary line of Jefferson county, was read a second time. Mr King of J. moved that the bill be indefinitely postponed; which was lost. Yeas 28—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Barclay, Brown, Collins, Cook, Cunningham, Dillett, Durand, Everett, George, Gilbreath, Herbert, Hickman, Kilpatrick, King of J. Lawler, Lea, Mardis, M'Collum, M'Vay, metcalfe, mobley, Price, Sanders, Shortridge, Stevens, Taylor and Walker.

Those who voted in the negative are, messrs Baker, Boyd, Chiles, Clark, Clough, Dillahunty, Faulk, Gayle, Hall, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, King of P. Langford, Massey, Moore of W. Murphree, Musgrove, Oliver, Philpott, Rather, Riddle, Ross, Rugely, Townsend and Ward.

Mr Brown moved to refer the bill to the committee on county boundaries; which was carried.

The bill from the Senate entitled an act to incorporate the town of Waverly, in Pickens county, and Fayetteville in the county of Fayette, was read a second time. Mr Hudson moved to amend the bill by adding thereto two additional sections; which was carried. Mr Kilpatrick moved to amend the bill by adding thereto an additional section; which was carried. Mr Kilpatrick moved further to amend the bill by striking out the word "Waverly," whenever it occurs in the bill with a view to insert "Pickensville;" which was carried: and the rule requiring bills to be read on three several days being dispensed, it was then read a third time and passed. Mr Kilpatrick moved to amend the title of the bill by striking out the word "Waverly," to insert "Pickensville;" which was carried.

Mr Hudson moved to amend the bill by adding the words "and for other purposes;" which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Bills from the Senate of the following titles, to wit: An act to provide the means for building a jail for the county of Tuscaloosa; and an act to alter and amend an act entitled an act to incorporate the town of Vernon, in the county of Autauga, were severally read a second time; and the rule requiring bills to be read on three several days being dispensed with, they were severally read a third time forthwith, and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Bills from the Senate of the following titles, to wit: an act extending relief to Daniel Davis, Meredith Moses and E. W. Thomas; and an act to repeal in part an act therein mentioned, were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act to divorce Eliza Boalt from Lewis Boalt, was read a second time, and made the special order of the day for a third reading to-morrow.

The bill entitled an act altering the boundary lines between the counties of Bibb and Tuscaloosa, was read a second time. Mr Clark offered the following as an amendment: Amend the 1st section, 8th line, after the word 'thence,' by these words, *so as to leave William Williams in Tuscaloosa county*; amend the 1st section, 12th line, after the word 'line,' with the words *eastwardly to a point due south of the house of Col. Milton Keesee's, and from said point thence in a direct line*; and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, and read a third time forthwith, and passed by a constitutional majority. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for concurrence.

The engrossed bill entitled an act to attach a part of Wilcox county to the county of Clark, was read a third time, and passed by a constitutional majority. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to emancipate a certain slave therein named, was read a second time. Mr Hogan moved to amend the bill by adding thereto an additional section; which was carried; and the rule requiring

bills to be read on three several days being dispensed with, the bill was considered as engrossed, and read a third time forthwith, and passed.—

Mr Mobley moved to amend the title of the bill by striking out the letter 'a,' and by adding at the end of the word 'slave,' the letter 's;' which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to establish a certain ferry therein named, was read a second time. Mr Dillett moved to refer the bill to the committee on roads, bridges and ferries; which was lost; and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, and read a third time.

Mr Taylor, who voted in the majority on ordering the bill to a third reading, moved to reconsider the vote; which was carried.

Mr Taylor moved to strike out the 2nd section of the bill; which was carried. The rule was dispensed with, the bill read a third time as amended, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Bills of the following titles, to wit: An act to repeal an act entitled an act to authorize the judge of the County Court and commissioners of roads and revenue of Fayette county, to levy an extra tax, approved January 24, 1829; an act to incorporate the Ashville Academy in St Clair county; and an act to provide for the payment of the petit jurors in the County Court of Pike county, were severally read a second time, and the rule requiring bills to be read on three several days being dispensed, they were considered as engrossed, and read a third time forthwith, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill from the Senate entitled an act to manumit and set free a certain slave therein named, and for other purposes, was read a second time. Mr Acklen moved to amend the 3rd section by striking out the words "child by the name of Lafayette," with a view to insert the words *two children named Selia Ann and Lafayette*; which was adopted. Mr Hudson moved to amend the 3rd section by striking out 'five hundred,' with a view to insert *one thousand*; which was lost; and the rule requiring bills to be read on three several days being dispensed with, the bill was read a third time and passed. Mr Hudson moved to amend the title of the bill by striking therefrom the letter 'a,' and by inserting the letter 's,' to the word 'slave;' which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to add the residue of the 14th township, 12th range, west of the basis meridian of Huntsville, from the county of Marion, to the county of Fayette, was read a second time. Mr Walker moved that the bill lie on table; which was lost; and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, and read a third time forthwith. Mr Lea moved that it be postponed and made the special order of the day for a third reading to-morrow; which was carried.

The bill entitled an act divorcing certain persons therein named, was read a second time.

And then the House adjourned until to-morrow morning at 9 o'clock.

Thursday, January 13, 1831.—The House met pursuant to adjournment.

Mr Lawler, from the committee on roads, bridges, &c. to whom was referred a bill to be entitled an act prescribing the mode of payment of

certain persons who mark and lay out State roads, reported a substitute in lieu thereof; which was adopted. Mr Coopwood moved to amend the bill by adding the following proviso: *Provided*, that they shall not be paid for more than ten days; which was carried; and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, and read a third time forthwith, and passed. Mr Lawler moved to amend the title of the bill with the following: To provide for the payment of certain claims against the State; which was carried.

The same committee to whom was referred the petition of sundry citizens of the counties of Clark and Marengo; also, the petition of sundry citizens of the county of Marengo, praying that a certain road therein named may be changed, reported that it is inexpedient to legislate on the subject; in which report the House concurred.

The same committee, to whom was referred the petition of sundry citizens of Greene county, praying the passage of a law to change the road leading from Greensborough to Linden, reported that it is inexpedient to legislate on the subject, and ask leave to be discharged from the further consideration thereof; which was granted.

The same committee to whom was referred the report of the commissioners appointed by an act of the Legislature, approved 20th January, 1830, to mark and lay out a certain road therein named, reported that further legislation on the subject is unnecessary at this time; in which report the House concurred.

The same committee to which was referred a resolution instructing them to inquire into the expediency of appropriating a portion of the State tax levied in the counties of Greene, Marengo, Clarke, Washington and Mobile, to the erection of causeways and bridges, on the road marked out under the authority of the State, from Greensborough, in Green county, to the city of Mobile, reported that it is inexpedient to legislate on the subject; in which report the House concurred.

The same committee to which was referred a communication from his Excellency the Governor, requesting the Legislature to provide for the payment of certain claims against the State, reported that the claims mentioned in said communication is provided for in a bill which the committee have heretofore reported to this House. *Ordered*, that the said report lie on the table.

Mr Hunson, from the committee on propositions and grievances to whom was referred the petition of sandry citizens of the lower town of Tuscaloosa, praying relief in consequence of the removal of the court house from said town, either in money or an exemption from county taxation, reported that it is inexpedient to legislate on the subject; in which report the House concurred.

Mr Williams, from the committee on the State Capitol to which was referred the bill from the Senate, entitled an act providing for the completion of the State Capitol, reported a substitute in lieu thereof. Mr Lawler moved to amend the amendments by inserting after the word "fund," in the 1st section, the words "remaining in the Treasury on the 9th day of November last;" which was carried. Mr Baker moved to amend the amendment by striking out all after the word "that," for the purpose of substituting three other sections in lieu thereof; which was lost. Yeas 25—Nays 40.

The yeas and nays being desired, those who voted in the affirmative are, messrs Baker, Boyd, Brodnax, Clough, Coker, Dillett, Hall, Herbert, Hogan, Jackson, King of P. Langford, Lawler, Lea, Mardis, Massey, Mobley, Moore of W. Murphy, Oliver, Ross, Rugeley, Townsend, Ward and Clark.

Those who voted in the negative are, messrs *Speaker, Acklen, Brown, Chiles, Collins, Cook, Coopwood, Cunningham, Dillahunt, Durand, Everett, Gayle, George, Gilbreath, Harris, Hickman, Hodges, Hogg, Horton, Hudson, Kilpatrick, King of J. Lane, M. Collum, M. Vay, Metcalf, Moore of M. Musgrove, Philpott, Price, Rather, Riddle, Richardson, Sanders, Shortridge, Stevens, Taylor, Walker, Williams and Young.*

Mr Coopwood moved to amend the second section by striking out these words: "after the 9th day of November, 1831;" which was carried. Mr Harris moved to amend the 3d section by inserting after the words 1827, the words "except so much as authorizes the commissioners to employ an Architect;" which was carried. The question was then on adopting the substitute as amended, and carried. Yeas 37—Nays 27.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Speaker, Acklen, Brown, Chiles, Collins, Coopwood, Cunningham, Dillahunt, Durand, Gayle, George, Gilbreath, Harris, Hickman, Hodges, Hogg, Horton, Hudson, Kilpatrick, King of J. King of M. Lane, M. Collum, M. Vay, Metcalf, Moore of M. Philpott, Price, Rather, Riddle, Richardson, Ross, Sanders, Shortridge, Stephens, Walker and Williams.*

Those who voted in the negative are, messrs *Baker, Boyd, Brodnax, Clark, Clough, Dillett, Everett, Hall, Herbert, Hogan, Jackson, King of P. Langford, Lawler, Lea, Mardis, Massey, Mobley, Moore of W. Murphree, Musgrove, Oliver, Rugeley, Taylor, Townsend, Ward and Young.*

The bill was then ordered to a third reading, and made the special order of the day for to-morrow.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to make an appropriation therein named; and, an act making it the duty of the proper officers in which any business is pending, which properly belongs to the county of Lowndes, to transfer the same to said county: all of which originated in this House.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have read three several times and passed a joint resolution and bills of the following titles: joint resolution making it the duty of the Secretary of State to distribute to each regiment the abstracts of infantry tactics now in his office; an act for the relief of certain persons therein named; an act to prescribe the mode of taking testimony in causes depending in the Chancery Courts of this State, in certain cases: in all of which they desire the concurrence of your honorable body. They have laid on the table until the first day of March next, a bill which originated in the House of Representatives, entitled an act to amend the laws relative to the sale of the sixteenth sections of lands in the State of Alabama. They insist on their disagreement to each and every amendment made by the House of Representatives to the bill which originated in the Senate entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State, and have appointed a committee of conference on their part, consisting of messrs Bridges, Jackson and Perry. They concur in the amendments made by your honorable body to the bill which originated in the Senate, entitled an act to authorize Henry Taylor, of Wilcox county, to emancipate a certain slave therein named. They have also read three several times and passed a bill which originated in the House of Representatives, entitled an act to continue in force and amend an act entitled an act to provide for reporting the decisions of the Supreme Court. They insist upon their amendment to be bill which originated in the House of Representatives, entitled an act permanently to fix the seat of justice of Clark county, and for other purposes.

Mr Young, from the select committee to which was referred a resolution instructing them to report to this House a bill providing for the payment of the witnesses that attended and testified before them in relation to the official conduct of the judge and clerk of the County Court of Morgan county, reported a bill to be entitled an act for the payment of certain claims therein specified; which was read a first time: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time forthwith. Mr Clark moved to amend the bill by adding thereto two sections, Nos. 5 and 6; which was carried. Mr Young moved to amend the bill by adding after the word *Cooper*, these words: *the sum of seven dollars to the payment of Thomas Sparks*; which was carried. Mr Coopwood moved to commit the bill to a select committee with the following instructions: "So to amend it as to allow witnesses two dollars per day for each day's attendance on said committee, and six cents a mile, and that they report the bill this evening at 4 o'clock: whereupon, messrs Coopwood, Philpot and Acklen were appointed said committee.

Mr Young made the following report: The committee on inland navigation, to whom was referred the report of the board of internal improvement, together with various documents and memorials upon that, and subjects connected with the improvement of the navigation of the Coosa river, and the connecting of the waters of that river with the Tennessee, together with references of parts of the Governor's message in relation to the Muscle Shoals Canal, and Coosa Canal, and a resolution in relation to the improvement of the Cahawba river, have had the various subjects under consideration, and have instructed me to report, that these subjects, they conceive, have been agitated and disposed of by the House, and therefore report back the papers to the House, and ask leave to be discharged from the consideration of these various subjects; which was concurred in, and the committee discharged.

Mr Clark, from the committee on propositions and grievances to whom was referred an engrossed bill to be entitled an act to compensate Henry Tuttle for apprehending a horse thief, reported the same back to the House without amendment; on motion the report was laid on the table.

The engrossed bill from the Senate entitled an act to compensate Henry Tuttle for apprehending a house thief, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Shortridge presented the account of William Nichols; which was read and referred to the committee on accounts, to consider and report thereon.

Mr Hudson, from the committee on accounts, to which was referred the account of Win. R. Colgin, reported that said account is not authenticated as the law directs, and ask leave to be discharged from the further consideration thereof; which was granted.

Mr Cook, from the committee on ways and means to whom was referred a bill to be entitled an act to reduce the pay of certain public officers therein mentioned, and for other purposes, reported the same to the House without amendment; on motion, the bill and report was ordered to lie on the table.

The same committee to whom was referred a bill to be entitled an act making appropriations for the year 1831, reported the same back to the House without amendment; on motion, the report was ordered to lie on the table. The bill entitled an act making appropriations for the year 1831, was considered as engrossed, and read the third time forthwith and passed.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate forthwith for their concurrence.

Mr Musgrove, who voted in the majority on the passage of the bill entitled an act to regulate the rates of wharfage in the city of Mobile, moved to reconsider that vote; which was carried. The question then recurred upon the passage of the bill. Mr King of J. called for the previous question. The previous question was then demanded by a majority of the members present, when the said previous question was put, to wit: Shall the main question be now put? and passed in the affirmative. The main question was on the passage of the bill, and carried. Yeas 37—Nays 23.

The yeas and nays being desired, those who voted in the affirmative are, messrs Acklen, Boyd, Brown, Chiles, Clark, Clough, Coker, Collins, Cunningham, Dubose, Hall, Harris, Herbert, Hickman, Hogan, Hogg, Hudson, Jackson, Kilpatrick, King of J. King of M. King of P. Langford, Lawler, Mardis, Massey, McVay, Metcalfe, Moore of M. Moore of W. Murphree, Ross, Stephens, Taylor, Townsend, Walker and Williams.

Those who voted in the negative are, messrs Speaker, Baker, Brodnax, Coopwood, Dilleat, Durand, Everett, Gayle, Gilbreath, Hodges, Lane, Lea, Mobley, Musgrove, Philpot, Rather, Riddle, Richardson, Rugeley Sanders, Shortridge, Ward and Young.

Mr Clark, from the committee on propositions and grievances, to whom was referred the petition of William J. Price and Daniel Clayton, praying compensation for pursuing to Tennessee and apprehending a horse thief, reported, that the petition is not authenticated, that they have no evidence that the same ought to be allowed, and asked leave to be discharged from the further consideration thereof; which was granted.

The joint resolution from the Senate making it the duty of the Secretary of State to distribute to each regiment the abstracts of infantry tactics now in his office, was read the first time. Mr Taylor moved that the joint resolution lie on the table; which was carried.

The bill from the Senate entitled an act for the relief of certain persons therein named, was read a first time, and the constitutional rule requiring bills, &c. to be read on three several days being dispensed with, the bill was forthwith read a second time. Mr Lawler moved that the bill lie on the table; which was carried.

The bill from the Senate entitled an act to prescribe the mode of taking testimony in causes depending in chancery courts of this State in certain causes, was read a first time. Mr Clark moved that the bill be indefinitely postponed; which was carried.

Mr Coopwood moved that the House recede from their disagreement to the amendment made by the Senate to the bill entitled an act permanently to fix the seat of justice of Clarke county, and for other purposes; which was carried. *Ordered*, that the clerk acquaint the Senate therewith.

The House then proceeded to the consideration of the orders of the day. The engrossed bill entitled an act to repeal an act entitled an act to establish a board of internal improvement for the State of Alabama, approved Jan. 15, 1830, being under consideration, Mr Mardis moved a call of the House; which was carried: and a call being made, the following members were absent, to wit: messrs Baker, Barclay, Brodnax, Coker, Cook, Dillahunty, King of M. Price and Riddle. The further consideration of the bill was therefore suspended for one hour by the operation of the rule of the House.

The bill from the Senate entitled an act to improve the navigation of the Coosa river being under consideration, Mr Coopwood moved a call of the House; which was carried, and a call of the House being made, the following members were absent, to wit: messrs Barclay, Coker, Cook, Price,

Riddle and Young. The further consideration of the bill was therefore suspended for one hour by the operation of the rule of the House.

Mr Mobley moved that the absent members be sent for; which was lost.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to amend an act in relation to capital crimes committed by slaves and free persons of color; an act to change the name of Henrietta Amanda Caldwell, to Henrietta Amanda Fisher; an act to emancipate certain slaves therein named; an act in part to amend an act entitled an act to revise, consolidate and amend the several acts relative to the militia of this State, passed Dec. 31st, 1822; and, an act to alter and amend an act entitled an act to incorporate the stockholders and subscribers to the newly invented marine railway in the city of Mobile, under the patent granted by the authority of the United States to Daniel Rogers, the original inventor: all of which originated in the Senate.

And then the House adjourned till 3 o'clock, P. M.

Evening Session, 3 o'clock.—The House met pursuant to adjournment.

The House resumed the consideration of the bill entitled an act to repeal an act entitled an act to establish a board of internal improvement for the State of Alabama, approved Jan. 15th, 1830. Mr Mardis moved to amend the bill, by way of the following engrossed ryder: provided that this act shall not take effect until from and after the first day of December next; and provided further, the President of the board of internal improvement is hereby required not to carry into effect the resolution of said board appointing a principal and assistant engineer; which was read a first and second time. Mr Williams moved to strike out the 2nd proviso in the amendment; which was lost. It was read a third time. The bill was then put on its passage: and the question being put, Shall this bill pass? it was determined in the affirmative. Yeas 53—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Speaker, Acklen, Baker, Barclay, Brodnax, Brown, Chiles, Clough, Coker, Collins, Cook, Coopwood, Cunningham, Dubose, Dillahunt, Dillet, Durand, Everett, Faulk, Gilbreath, Hall, Herbert, Hickman, Hodges, Hogg, Horton, Hudson, Kilpatrick, King of M. Lane, Langford, Mardis, Massey, M'Collum, M'Vay, Metcalfe, Mobley, Moore of M. Murphree, Musgrove, Oliver, Philpott, Price, Rather, Richardson, Ross, Rugeley, Stephens, Taylor, Townsend, Walker, Ward, Young.*

Those who voted in the negative are, messrs *Boyd, Clark, Gayle, Harris, Hogan, King of P. Lawler, Lea, Moore of W. Riddle, Sanders, Shortridge and Williams.*

Ordered, that the title be as aforesaid. *Ordered,* that the same be sent to the Senate for their concurrence.

A message from the Senate by mr Gayle: Mr Speaker—The Senate have read three several times and passed a bill which originated in their House, entitled an act to change the time of holding the county courts in the county of Dallas: in which they desire the concurrence of the House of Representatives. They have also passed a bill which originated in the House of Representatives, entitled an act to prohibit the clerks of the circuit and county courts of Tuscaloosa county from taxing in the bill of costs a county tax on judgements rendered in favor of the Bank of the State of Alabama, and have amended the same in the manner herewith shewn: in which they desire the concurrence of the House of Representatives. They have concurred in the amendments made the House of Representatives to the bill entitled an act to manumit and set free a certain slave therein named, and for other purposes. They insist on their amendments to the bill entitled an act to discontinue and establish certain election precincts therein specified, by striking out the precinct at Jesse Lot's,

and Madame Alvarez's, in Mobile county; and by adding section No. 9 to the bill. They recede from their amendments to said bill, by striking out the 3d section, and inserting another in lieu thereof. They have adopted the following resolution, in which they desire the concurrence of the House of Representatives: *Resolved*, that with the concurrence of the House of Representatives, the two Houses will assemble in the Representative Hall at the hour of half past six o'clock, P. M. this day, for the purpose of electing a President and twelve Directors for the Bank of the State of Alabama for the next year. They disagree to the amendments where it proposes to strike out *Waverly* and insert *Pickinsville*, made by your honorable body to the bill which originated in the Senate entitled an act to incorporate the town of Waverly in Pickens county, and Fayetteville in the county of Fayette. They concur in the several amendments made by your honorable body to the bill which originated in the Senate entitled an act prescribing the mode of payment of persons who mark and lay out State roads; and have amended the amendment made by the House of Representatives as herewith shewn: in which their concurrence is requested. They have read three several times and passed a bill which originated in the House of Representatives, entitled, an act to compensate George M. Taylor, for expenses incurred in the prosecution of David M. Smithson, charged with murder.

The bill from the Senate entitled an act to improve the navigation of the Coosa river, being under consideration. Mr Coopwood moved to amend the bill, by way of engrossed ryder, by adding thereto section No. 10; which was read a first, second and third time. Mr M'Vay moved to amend the bill by way of engrossed ryder, with the following proviso: provided this act shall not take effect until the first day of December next; which was rejected. The previous question was then called for by Mr Mardis. The previous question was then demanded by a majority of the members present: when the said previous question was put, viz. Shall the main question be now put: Shall this bill pass? it was rejected. Yeas 31—Nays 34.

The yeas and nays being desired, those who voted in the affirmative are, messrs Baker Boyd Brodnax Brown Chiles Clark Collins Dillelt Durand Everett Gayle Hall Herbert Hogan Hogg Jackson King of J. Langford Lawler Mardis Massey Moore of M. Murphree Musgrove Oliver Rather Ross Rugely Taylor Townsend and Ward.

Those who voted in the negative are messrs Speaker Acklen Barclay Clough Cook Coopwood Cunningham Dillahunt Faulk Gilbreath Harris Hickman Hodges Horton Hudson Kilpatrick King of P. King of M. Lane Lea M'Collum M'Vay Metcalfe Mobley Moore of M. Philpott Price Riddle Richardson Sanders Shortridge Stephens Walker and Williams.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to compensate George M. Taylor for expenses incurred in the prosecution of David M. Smithson, charged with murder, which originated in this House.

The bill from the Senate entitled an act to change the time of holding the county courts in the county of Dallas, was read a first time: and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was read a third time forthwith, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Clark moved that the House disagree to the amendments made by Senate to the bill entitled an act to prohibit the clerks of the circuit and county courts of Tuscaloosa county from taxing in the bill of costs a county tax on judgements rendered in favor of the Bank of the State of Alabama; which was carried.

And then the House adjourned until this evening half past 6 o'clock.

Night Session half past 6 o'clock—The House met pursuant to adjournment.

Mr Coopwood moved that the House recede from their disagreement to the amendments made by the Senate to the bill entitled an act to discontinue and establish certain election precincts therein specified, by establishing an election precinct at Jesse Lot's, and Madame Alvarez's in Mobile county; which was lost. Mr Durand moved that the House adhere to their disagreement to said amendment; which was carried. Mr Everett moved that the House recede from their disagreement to the amendment made by the Senate, by adding section No. 9; which was carried.

Mr Kilpatrick moved that the House insist on their amendments made to the bill entitled an act to incorporate the town of Waverly in Pickens county, and Fayetteville in the county of Fayette; which was carried.

Mr Kilpatrick moved that a committee of conference be appointed; which was carried: Whereupon messrs Kilpatrick, M'Collum and Hudson, were appointed said committee.

The resolution from the Senate proposing to go into the election of a President and twelve Directors of the Bank of the State of Alabama, being under consideration, Mr Mobley moved the further consideration thereof be postponed until Saturday evening next at 3 o'clock; which was lost. Mr Gayle moved to lay the resolution on the table; which was lost. Mr Clark moved to amend it by striking out *this day* to insert *to-morrow*; which was carried. The resolution as amended was then concurred in. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Mobley moved that the House disagree to the amendments made by the Senate to the bill entitled, An act prescribing the mode of payment of persons who mark and lay out State roads; which was carried.

Mr Mobley moved that a committee of conference be appointed; which was carried: whereupon, Messrs Mobley, Lawler, and Metcalfe were appointed said committee.

The engrossed bill entitled, An act for the relief of Philomon Waters, Robert M. Hails, and John S. Bailey, was read the third time and passed. Yeas 38—Nays 18.

The yeas and nays being desired those who voted in the affirmative are, messrs speaker Acklen Baker Barclay Boyd Brodnax Brown Collins Cook Coopwood Dillelt Durand Gayle Gilbreath Herbert Hickman Hodges Hogan Horton Jackson King of P. Lane Lea Massey M'collum Mobley Moore of W. Murphree Musgrove Philpott Riddle Richardson Ross Rugeley Sanders Shortridge Taylor and Young.

Those who voted in the negative are, messrs Chiles Clark Clough Cunningham Faulk Hall Hogg Hudson Langford Lawler M'vay Metcalfe Moore of M. Price Rather Stevens Walker and Ward.

Mr Baker moved to amend the title of the bill by striking out "Philomon Waters, Robert M. Hails, and John S. Bailey," and by inserting, *certain persons therein named*; which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill from the Senate entitled, An act to divorce Eliza Boalt from Lewis Boalt, was read a second time: and the constitutional rule being dispensed with, it was read a third time forthwith and passed by a constitutional majority. Yeas 42—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Boyd Brodnax Clark Clough Collins Cook Coopwood Dillelt Durand Everett Faulk Gayle Gilbreath Hall Hickman Hodges Horton Jackson King of J. King of P. Lane Lea Massey M'Collum Metcalfe Mobley Moore of M. Moore of W. Murphree Philpott Price Rather Riddle Richardson Ross Rugely Sanders Shortridge Taylor and Ward.

Those who voted in the negative are, messrs Baker Barclay Chiles Cunningham Hogg Hudson Langford M'Vay Musgrove and Townsend.

Ordered, that the title be as aforesaid. *Ordered*, that the Clerk acquaint the Senate therewith.

The engrossed bill entitled, An act to add the residue of the 14th township, 12th range, west of the basis meridian of Huntsville, from the county of Marion, to the county of Fayette. The question was on the passage of the bill, and carried by a constitutional majority. Yeas 38—Nays 18.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Acklen, Baker, Barclay, Brodnax, Brown, Clough, Collins, Cook, Cunningham, Durand, Faulk, Gayle, Gilbreath, Hickman, Horton, Hudson, Kilpatrick, King of J. Lane, Langford, Lawler, Lea, M'Collum, Metcalfe, Moore of M. Moore of W. Murphree, Musgrove, Philpott, Rather, Riddle, Richardson, Ross, Rugeley, Shortridge and Stevens.

Those who voted in the negative are, Messrs Boyd, Chiles, Clark, Coopwood, Everett, Hall, Hodges, Hogg, Jackson, King of P. Massey, M'Vay, Price, Sanders, Townsend, Walker and Young.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Upon a question of order Mr Speaker decided, that a member could not vote only from his seat; from which decision Mr Sanders appealed, and the decision of Mr Speaker was sustained.

The bill entitled an act divorcing certain persons therein named, was read a second time; and the constitutional rule being dispensed with, the bill was considered as engrossed and read a third time forthwith and passed by a constitutional majority. Yeas 41—Nays 11.

The yeas and nays being desired those who voted in the affirmative are, messrs Speaker, Acklen, Boyd, Brodnax, Brown, Clark, Clough, Collins, Cook, Coopwood, Durand, Everett, Faulk, Gayle, Gilbreath, Hall, Hickman, Hodges, Horton, Jackson, Kilpatrick, King of J. King of P. Massey, M'Collum, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Philpott, Price, Rather, Riddle, Richardson, Ross, Rugely, Sanders, Shortridge, Taylor and Walker.

Those who voted in the negative are, messrs Baker, Barclay, Chiles, Cunningham, Hogg, Hudson, Langford, Lawler, M'Vay, Musgrove and Townsend.

Whilst the Clerk was telling the vote Mr Dillett did not vote.

Mr Townsend moved that Mr Dillett be excused from voting, not having heard the testimony upon which the bill is founded; which was granted.

Ordered, that the title of the bill be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

And then the House adjourned until to-morrow morning at 9 o'clock.

Friday, January 14, 1831.—The House met pursuant to adjournment.

At 9 o'clock a quorum not being present, Mr Brown moved a call of the House, when the following members answered to their names, to wit: Messrs Speaker, Brown, Clough, Collins, Cunningham, Everett, Faulk, Hall, Hogan, Hogg, Kilpatrick, King of P. Langford, Lawler, Massey, M'Collum, M'Vay, Metcalfe, Moore of M. Moore of W. Murphree, Musgrove, Roberts, Ross, Shortridge, Townsend, Ward.

Mr Clark moved that the absent members be sent for; which was carried.

A quorum having assembled, on motion of Mr Everett, leave of absence was granted to Mr Dillahuntly till to-morrow morning.

Mr Coopwood, from the committee on the State Bank to whom was referred the petition of sundry citizens of Franklin county, and town of Tuscombia, praying the location of a branch of the Bank in said town, reported, that in the opinion of the committee the time has arrived when the Bank should be branched, and have reported a bill that is now among the orders of the day, to be entitled an act to establish a Branch of the Bank of the State of Alabama at —, and asked leave to be discharged from the further consideration of the petition; which was concurred in, and the committee discharged.

Mr Chiles, from the select committee to whom was referred a bill from the Senate entitled an act authorizing the alteration of a road therein named, reported the same with an amendment, by striking out the third section of the bill; which was concurred in. The bill was then read the third time and passed as amended. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Shortridge, from the select committee to whom was referred a bill to be entitled an act to authorize William M. Marr to open and keep in repair a certain road therein mentioned, reported the same to the House without amendment. On motion, the report was ordered to lie on the table.

The bill entitled an act to authorize William M. Marr to open and keep in repair a certain road therein mentioned, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Hudson, from the select committee to whom was referred the petition of sundry citizens of the town of Tuscumbia, praying the passage of a law authorizing the trustees of said town to elect their town constable, also their treasurer and secretary, with power to dismiss their constable for failing to discharge his duty, reported that the object of the petition has been effected by an amendment made to an engrossed bill from the Senate, entitled an act to incorporate the town of Pickensville in Pickens county, and the town of Fayetteville in the county of Fayette, and asked leave to be discharged from the further consideration thereof; which was granted.

Mr Coopwood, from the select committee to whom was referred a bill entitled an act for the payment of certain claims therein specified, reported the same with an amendment, by striking out the third section and substituting another in lieu thereof; which amendment was adopted by the House. Mr Harris moved to amend the bill further by adding thereto an additional section; which was adopted. The bill was then considered as engrossed and read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have read three several times and passed bills which originated in the House of Representatives, of the following titles, to wit: An act to repeal an act entitled an act to authorize the judge of the county court and commissioners of roads and revenue of Fayette county to levy an extra tax, approved January the 24th, 1829; an act to establish a certain ferry therein named; an act to incorporate the Ashville academy, in St Clair county; an act making appropriations for the year eighteen hundred and thirty-one; and an act altering the boundary line between the counties of Bibb and Tuscaloosa. The latter bill they have amended as herewith shewn; in which they desire the concurrence of your honorable body. They have concurred in the several amendments made by your honorable body to the bill which originated in the Senate entitled an act to manumit and set free a certain slave therein named, and for other purposes.

Mr King of J. from the select committee to whom was referred the petition of sundry inhabitants of Shelby county, praying to be attached to the county of Jefferson, reported a bill entitled an act changing the lines between the counties of Shelby, Jefferson and St Clair; which was read the first time: and the constitutional rule requiring bills, &c. to be read on three several days being dispensed with, the bill was forthwith read a second time; and the rule being further dispensed with, the bill was forthwith read the third time and passed *nem. con.* *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Hudson, from the committee on accounts to whom was referred the account of William Nichols, reported that said account ought not to be

allowed, and asked leave to be discharged from the further consideration thereof; which was granted.

On motion of mr Philpott, leave of absence was granted to William B. M'Clellan, the engrossing clerk of the House, for the balance of the session.

Mr Rather, from the committee on accounts to whom was referred a bill entitled an act making appropriations for certain claims against the State, reported a substitute for said bill. Mr Rather moved to amend the substitute by an additional section; which was carried. Mr Mobley moved to amend the substitute by an additional section; which was carried. Mr Coopwood moved to amend the substitute by an additional section; which was lost. Mr Mobley further moved to amend the substitute by an additional section; which was carried. Mr Mobley moved to amend the substitute further, by an additional section; which was lost. Mr Rather further moved to amend the substitute by an additional section; which was carried. Mr Rather moved further to amend the substitute by an additional section; which was carried. The substitute reported by the committee was then, as amended, adopted by the House. The bill was then considered as engrossed, read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message from the Senate by mr Gayle: Mr Speaker—The Senate have concurred in the amendments made by your honorable body to the resolution which proposes to go into the election of a President and twelve Directors for the Bank of the State of Alabama for the ensuing year, at the hour of half past six o'clock p. m. this day. They have adopted a joint resolution, providing for the preservation of the furniture of the General Assembly; in which they desire the concurrence of your honorable body. They have also read three several times and passed a bill which originated in the House of Representatives, entitled an act changing the lines between the counties of Shelby, Jefferson and St Clair. They have also read three several times and passed, a bill entitled an act to emancipate certain slaves therein named; in which they desire the concurrence of your honorable body.

Mr Jackson, from the select committee to whom was referred a bill entitled an act to authorize Randal Jackson, guardian of Randal Beasley, to sell a certain slave therein named, reported the same back to the House without amendment; and further that the committee are unable to discover any law that authorizes the judge of the Orphans' Court, to grant an order of sale of the property of a minor, situated as the property named in the bill. On motion, the report was laid on the table. The bill was then considered as engrossed, read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Clark moved that the House concur in the amendments made by the Senate to the bill entitled an act altering the boundary lines between the counties of Bibb and Tuscaloosa; which was carried.

The bill from the Senate entitled an act to emancipate certain slaves therein named, was read; and the rule being dispensed with, it was read a second time, and the constitutional rule being dispensed with, it was read a third time forthwith. Mr Herbert moved to amend the bill by way of the following engrossed ryder: *Provided*, that all said slaves that have arrived at the age of 21 years, shall remove from this State previous to the expiration of twelve months after the passage of this act; and that all said

slaves under the age of 21 years, on arriving at that age, shall, within the time above specified, remove from within the limits of this State, and shall at no time return to reside therein; which was rejected. The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The joint resolution from the Senate was read a first time; and the constitutional rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was read the third time and passed. Mr Sanders moved to add a title to the resolution, viz: Joint resolution to keep and preserve all the furniture of both Houses of the General Assembly, and for other purposes; which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Taylor moved to suspend the orders of the day; which was carried.

Mr Taylor called up the joint resolution making it the duty of the Secretary of State to distribute to each regiment the abstracts of infantry tactics now in his office. Mr Taylor moved to amend the resolution by striking out all after the enacting clause, and by substituting an amendment in lieu thereof; which was adopted; and the constitutional rule being dispensed with, it was read a second and third time forthwith, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message was received from the Governor by James I. Thornton.

January, 14, 1831.—Mr Speaker: I am requested by the Governor to inform your honorable body that he did on the 13th inst. approve and sign the following bills: An act to regulate the rate of pilotage over the Outer Bar and Dog river Bar in the Mobile Bay; an act concerning the County Court of Mobile county, and for other purposes; an act to amend an act entitled an act to regulate the licensing physicians to practice, and for other purposes; an act to divide the 20th regiment of the militia of this State, and for other purposes; an act to amend the several acts in relation to the compensation of petit jurors in the counties of Henry and Dale; an act to alter and change the time of holding the County Courts of the counties of Pickens and Greene; an act permanently to fix the seat of justice in the county of Monroe; all of which originated in the House of Representatives.

Mr Moore of M. moved to suspend the orders of the day; which was carried.

Mr Moore of M. made the following report: The joint committee to examine into the state and condition of the Bank, have had under consideration a resolution instructing them to inquire into, and report to both Houses any information in their possession relative to errors committed by any of the officers of said Bank, noting particularly when and by whom committed, and whether the same has been receipted, and if so, in what manner, beg leave to report that in obedience to your instructions, they have collected the accompanying documents from the Bank which contains all the information necessary to a full elucidation of the subject, and have only to add that there is nothing in their opinion which goes to reflect on the character of the institution commenced as it was by inexperienced officers, as well as a Board of Directors, none of whom were even intimate with the duties then assigned them. In those mistakes no injury has been sustained by the Bank; all of which is respectfully submitted.—Mr M'Vay moved that the report lie on the table; which was carried.

A message from the Senate by Mr Gayle: *Mr Speaker*—The Senate have instructed me to inform you that they have appointed a committee of conference, consisting of messrs Anderson, Jackson and Morton, on the bill to be entitled an act to incorporate the town of Waverly, in Pickens county, and Fayetteville, in Fayette county, and for other purposes; and also, that the said committee on the part of the Senate have made a report proposing to strike out the word 'Waverly,' where it occurs in the bill, and insert in lieu thereof the word Carrolton; which report the Senate have concurred in. They concur in the amendment made by your honorable body to the bill entitled an act authorizing the alteration of a road therein named. They insist upon their amendment to the amendment of the House of Representatives, to the bill entitled an act prescribing the mode of payment of persons who mark and lay out State roads, and have appointed a committee of conference on their part, consisting of messrs Smith, Crawford and Bridges. They have read three several times and passed a bill which originated in the House of Representatives, entitled an act to authorize William M. Marr to open and keep in repair a certain road therein named, and have amended the same as herewith shewn; in which they desire the concurrence of your honorable body. They recede from their amendment to the bill entitled an act to discontinue and establish certain election precincts therein specified; which proposes to strike out and insert Jesse Lotts and Madame Alvarez. They insist upon their amendment to the bill which originated in the House of Representatives, entitled an act to prohibit the clerks of the Circuit and County Courts of Tuscaloosa county, from taxing in the bill of costs a county tax on judgements rendered in favor of the Bank of the State of Alabama. They have laid upon the table until Monday next, a bill which originated in the House of Representatives, entitled an act to repeal an act entitled an act to establish a board of internal improvement for the State of Alabama, approved January 13, 1831. They have disagreed to the amendment made by your honorable body, to the bill which originated in the Senate, entitled an act for the relief of Philomon Waters, Robert M. Hails and John S. Bailey.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to continue in force and amend an act entitled an act to provide for reporting the decision of the Supreme Court, which originated in this House.

And then the House adjourned to half past 3 o'clock this evening.

Evening session, half past 3 o'clock.—The House met pursuant to adjournment.

Mr Mardis moved to suspend the orders of the day; which was carried.

Mr Mardis made the following report: The joint committee appointed by the two Houses to whom was referred the subject of disagreement between the two Houses upon the bill to be entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State, and for other purposes, have according to order, had the subject under consideration, and have agreed to the following report: The committee recommend to the House of Representatives to recede from all their amendments made by the House to the bill from the Senate. They have amended the bill from the Senate, by striking out the word "June," where it occurs in the 2d section of the bill, and insert in lieu thereof the word "August." They have further amended the bill in the 2d section, by striking out all from the word "such" where it occurs in the second line to the word "prescribe" in the third line inclusive, and substitute in lieu thereof the following: "all the laws now in force in this State and such

as the Legislature may from time to time enact. They have also amended the bill by seven additional sections which are herewith submitted. They have further amended the bill by striking out the title of the original bill and substituting the following: A bill to be entitled an act to establish the county of Cherokee, and for other purposes; in all of which amendments they ask the concurrence of the House. *Mr Mardis* moved that the House concur in the amendments reported by the committee. A question arose upon the report of the committee as to the right for said committee to report new matter in the bill. *Mr Speaker* decided that a committee of conference had not, according to parliamentary usage, the right to create new matter, and the only question for the committee was, the disagreement between the two Houses; from which decision *mr Baker* appealed.

The yeas and nays being desired those who voted in the affirmative are messrs Barclay, Boyd, Brown, Chiles, Clark, Collins, Coopwood, Cunningham, Dillett, Durand, Faulk, Gayle, George, Herbert, Hogg, Horton, Hudson, King of P. Lane, Lea, McCollum, McVay, Mericall, Moore of W. Rather, Riddle, Shortridge, Taylor, Walker, Williams and Young.—31.

Those who voted in the negative are messrs Acklen, Baker, Gilbreath, Hall, Harris, Hogan, Jackson, Kilpatrick, King of J. King of M. Langford, Lawler, Mardis, Massey, Mobley, Moore of M. Murphree, Oliver, Price, Ross, Sanders, Stevens and Townsend.—23.

So the opinion of *mr Speaker* was sustained.

A message was received from the Senate by *mr Gayle*: *Mr Speaker*—The Senate have read three several times and passed a bill which originated in the House of Representatives, entitled an act to add the residue of the 14th township, 12th range, west of the basis meridian of Huntsville, from the county of Marion, to the county of Fayette. They have instructed me to inform you that the committee of conference appointed by the Senate to confer with the committee appointed on the part of the House of Representatives, on the bill entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State, have reported a substitute for the bill; in which report the Senate have concurred. The Senate concur in the amendments made by the House of Representatives to the joint resolution, making it the duty of the Secretary of State to distribute to each regiment the abstracts of infantry tactics now in his office. They have read three several times and passed a bill which originated in the House of Representatives, entitled an act to authorize Randle Jackson, guardian of Randle Beasley, to sell a certain slave therein named.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to establish a certain ferry therein named; an act to repeal an act to incorporate the Ashville Academy, in St. Clair county; and an act permanently to fix the seat of justice of Clarke county, and for other purposes; all of which originated in this House.

Mr Mardis moved to suspend the orders of the day; which was lost.

Mr Harris, who voted in the majority on the rejection of the bill entitled an act to improve the navigation of the Coosa river, moved to reconsider the vote.

On motion of *mr Hudson*: *Ordered*, that messrs Cook and Coker have leave of absence for the remainder of the session.

And then the House adjourned to half past six o'clock this evening.

Night session, half past six o'clock.—The House met pursuant to adjournment.

Mr M'Vay offered the following rule: Any order of the day may be taken up out of its time by the consent of a majority of the House; which lies over for one day agreeably to the rules of the House.

Mr Everett offered the following preamble and resolution: Whereas, a call has been made by a resolution of the Senatorial Branch of this General Assembly, for copies of a correspondence between the officers of the Bank of the State of Alabama, the receiver of public monies at Huntsville, and the officers of the Branch of the Bank of the United States, at Nashville, growing out of the refusal of said Bank to receive on deposit as cash, the notes of the said Bank of the State of Alabama; and whereas, a correspondence connected with this subject, has taken place between the said Branch at Nashville; the Branch of the United States at Mobile, and the Secretary of the Treasury; and whereas it is desirable that not only the Legislature, but the public at large, should be in possession of such information as will enable them to arrive at correct conclusions in the premises, and understand the subject in all its bearings. *Resolved*, that His Excellency the Governor, be requested to make application to the Cashier of the Branch of the Bank of the United States at Mobile, for a copy of the correspondence between the said Branch and that located at Nashville, on the subject of a proposition by the receiver of public moneys at Huntsville, to deposit \$70,000 at the aforesaid office at Nashville; also, the correspondence between the office at Mobile, and the Secretary of the Treasury, on the same subject. *Resolved further*, that His Excellency be requested to obtain from the President of the Bank of the State of Alabama, the terms and conditions upon which the Branch of the Bank of the United States at Mobile, transacts business for the Bank of the State; also, the views and opinions of the President of the State Bank, as to the policy pursued by said Branch towards the State institution, with the amount of specie drawn from said institution, by the Branch at Mobile, in each and every year since its location there, and that His Excellency cause all such information when received, to be published in some newspaper at Huntsville, Tuscaloosa, Montgomery and Mobile.

Mr Speaker announced that the hour had arrived at which the Senate were to be invited into the Representative Hall.

Mr Coopwood then offered the following resolution: *Resolved*, that the Senate be invited to assemble in the Representative Hall for the purpose of electing a President and Twelve Directors of the Bank of the State of Alabama, for the present year; which was adopted. *Ordered*, that the clerk acquaint the Senate therewith.

Whereupon, the members of the Senate repaired to the Hall of the House of Representatives, and having taken the seats assigned them, Mr President arose and announced the object of the meeting, when the two Houses proceeded to elect a President of the Bank of the State of Alabama for the present year. John L. Tindall alone being in nomination: for Mr. Tindall 83 votes.

Those who voted for Mr Tindall are, Messrs President, Abercrombie, Anderson, Bridges, Conner, Crawford, Edmondson, Garth, Hemphill Hogan, Hubbard, Jackson, Merriwether, Perry Pickett, Powell, Smith, Vining, Walthall.—Reps. Messrs Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Collins, Coopwood, Cunningham, Dubose, Dillahunt, Dillett, Durand, Everett, Faulk, Gayle George, Gilbreath, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J, King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, M'Collum, M'Vay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Philpot, Rather, Riddle, Richardson, Ross, Rugely, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

John L. Tindall having received all the votes present, was declared by Mr Speaker

to be duly elected President of the Bank of the State of Alabama, for the present year.

The two Houses then proceeded to the election of twelve Directors of the Bank of the State of Alabama for the present year. John O. Cummins, Charles Lewin, Frederick C. Ellis, Peter Donaldson, Benjamin B. Fontaine, William R. Colgin, John H. Sommerville, Samuel P. Ewing, Gilbert Saltonstall, Henry A. Snow, Constantine Perkins, Thomas Owen, Thomas R. Bolling, James H. Dearing, James Guild, William G. Parish, H. M. Andrews, Charles S. Pattison, and Erasmus Walker being in nomination, the votes stood thus: for Mr Cummins 58; Mr Lewin 74; Mr Donaldson 27; Mr Fontaine 41; Mr Colgin 60; Mr Sommerville 78; Mr Ewing 78; Mr Saltonstall 60; Mr Snow 53; Mr Perkins 61; Mr Owen 24; Mr Bolling 72; Mr Dearing 37; Mr Guild 54; Mr Parish 67; Mr Andrews 56; Mr Pattison 53; Mr Walker 32; Mr Ellis 69.

Those who voted for Mr Cummins are, Messrs Abercrombie, Anderson, Crawford, Edmondson, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Perry, Pickett, Powell, Vining, Walthall.—Reps. Barclay, Boyd, Clark, Clough, Collins, Coopwood, Cunningham, Dubose, Dillahunt, Dillett, Everett, Faulk, Gayle, George, Hall, Harris, Herbert, Hogan, Kilpatrick, King of J. King of M. King of P. Lane, Langford, Lawler, Mobley, Murphree, Musgrove, Oliver, Philpot, Rather, Riddle, Richardson, Ross, Rugely, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

Those who voted for Mr Lewin are, Messrs Abercrombie, Bridges, Conner, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Morton, Perry, Pickett, Smith, Walthall.—Reps. Baker, Barclay, Boyd, Brodnax, Brown, Clark, Clough, Collins, Coopwood, Cunningham, Dubose, Dillahunt, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Harris, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of M. King of P. Langford, Lawler, Lea, Mardis, Massey, M'Collum, M'Vay, Metcalfe, Mobley, Moore of W. Murphree, Musgrove, Oliver, Philpot, Rather, Riddle, Richardson, Ross, Rugely, Sanders, Shortridge, Stevens, Townsend, Walker, Ward and Williams.

Those who voted for Mr Ellis are, Messrs President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Perry, Pickett, Smith.—Reps. Acklen, Baker, Barclay, Boyd, Brown, Chiles, Clark, Clough, Coopwood, Cunningham, Dubose, Dillahunt, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Herbert, Hickman, Hodges, Hogan, Horton, Hudson, Jackson, Kilpatrick, King of M. King of P. Lane, Langford, Lea, Massey, M'Collum, M'Vay, Metcalfe, Moore of W. Murphree, Musgrove, Oliver, Riddle, Richardson, Ross, Rugely, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward and Williams.

Those who voted for Mr Donaldson are, Messrs President, Morton, Pickett, Smith, Vining.—Reps. Messrs Barclay, Boyd, Brown, Clark, Clough, Collins, Cunningham, Durand, Faulk, George, Gilbreath, Horton, Hudson, Kilpatrick, King of P. M'Vay, Metcalfe, Shortridge, Stevens, Walker and Williams.

Those who voted for Mr Fontaine are, Messrs Abercrombie, Anderson, Bridges, Conner, Dupuy, Edmondson, Garth, Irwin, Jackson, Merriwether, Morton, Powell, Vining, Walthall.—Reps. Messrs Speaker, Baker, Brodnax, Chiles, Collins, Cunningham, Dillett, Everett, Harris, Hogg, Jackson, King of J. Lane, Lawler, Mardis, Massey, M'Vay, Metcalfe, Mobley, Moore of M. Moore of W. Musgrove, Philpot, Rather, Taylor, Townsend and Young.

Those who voted for Mr Colgin are, Messrs President, Abercrombie, Anderson, Conner, Edmondson, Garth, Hemphill, Hogan, Hubbard, Jackson, Merriwether, Morton, Pickett, Powell, Vining, Walthall.—Reps. Messrs Speaker, Acklen, Baker, Brodnax, Chiles, Collins, Dubose, Dillahunt, Dillett, Durand, Everett, Gayle, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, King of J. Lane, Langford, Lawler, Lea, Mardis, Massey, Mobley, Moore of M. Murphree, Musgrove, Philpot, Rather, Riddle, Richardson, Ross, Rugely, Sanders, Townsend, Ward, Williams and Young.

Those who voted for Mr Sommerville are, Mr President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Smith, Walthall.—Reps. Mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Chiles, Clark, Clough, Coopwood, Dubose, Dillahunt, Dillett, Durand, Everett, Faulk, Gayle, George, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Horton, Hudson, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, M'Collum, Mobley,

Moore of M. Moore of W. Murphree Musgrove, Oliver, Philpott, Rather, Richardson, Ross, Rugely, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward and Young.

Those who voted for Mr Ewing are, Mr President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Morton, Perry, Pickett, Smith, Vining, Walthall.—Reps.—Messrs Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Clark, Clough, Collins, Coopwood, Cunningham, Dubose, Dillahunt, Dillett, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Kilpatrick, King of M. King of P. Lane, Langford, Lea, Mardis, Massey, M'Collum, M'Vay, Metcalfe, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpott, Riddle, Richardson, Ross, Rugely, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward and Williams.

Those who voted for Mr Saltonstall are, Messrs Abercrombie, Anderson, Bridges, Conner, Garth, Hemphill, Hubbard, Irwin, Jackson, Morton, Perry, Powell, Smith, Vining, Walthall.—Reps. Mr Speaker, Acklen, Baker, Barclay, Brodnax, Brown, Chiles, Coopwood, Cunningham, Dubose, Dillett, Durand, Everett, Harris, Herbert, Hickman, Hodges, Hogan, Horton, Hudson, Jackson, King of J. Lane, Langford, Lawler, Mardis, Massey, M'Collum, M'Vay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Oliver, Rather, Riddle, Richardson, Ross, Rugely, Sanders, Taylor, Townsend, Walker and Young.

Those who voted for Mr Snow are, Mr President, Anderson, Conner, Crawford, Dupuy, Hemphill, Hogan, Irwin, Merriwether, Morton, Perry, Pickett, Powell, Walthall.—Reps. Mr Speaker, Acklen, Baker, Brodnax, Brown, Chiles, Collins, Dillett, Durand, Everett, Harris, Herbert, Hickman, Hogg, Hudson, Jackson, King of J. King of M. Lane, Langford, Lawler, Mardis, M'Collum, M'Vay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Oliver, Philpott, Rather, Richardson, Ross, Sanders, Taylor, Walker, Ward and Young.

Those who voted for Mr Perkins are, Mr President, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hogan, Irwin, Merriwether, Perry, Powell, Smith, Vining, Walthall.—Reps. Mr Speaker, Acklen, Baker, Barclay, Brodnax, Chiles, Dillett, Durand, Everett, Gayle, George, Gilbreath, Harris, Herbert, Hickman, Hodges, Hogg, Jackson, Kilpatrick, King of J. Lane, Langford, Lawler, Lea, Mardis, Massey, M'Collum, M'Vay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Philpott, Rather, Riddle, Richardson, Ross, Rugely, Taylor, Townsend, Walker, Williams and Young.

Those who voted for Mr Owen are, Messrs Anderson, Garth, Irwin, Merriwether, Morton, Powell, Vining, Walthall.—Reps. Mr Speaker, Brodnax, Chiles, Dillett, Harris, Hogg, King of J. Lane, Lawler, Mardis, Massey, M'Vay, Mobley, Moore of M. Williams and Young.

Those who voted for Mr Bolling are, Mr President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Jackson, Merriwether, Perry, Pickett, Vining, Walthall.—Reps. Mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Collins, Coopwood, Cunningham, Dillahunt, Dillett, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Kilpatrick, King of M. King of P. Lane, Lawler, Lea, Mardis, Massey, M'Collum, Metcalfe, Mobley, Moore of M. Moore of W. Musgrove, Oliver, Philpott, Riddle, Richardson, Ross, Rugely, Sanders, Shortridge, Stevens, Taylor and Ward.

Those who voted for Mr Dearing are, Messrs Bridges, Conner, Crawford, Garth, Hogan, Merriwether, Powell, Smith, Vining, Walthall.—Reps. Mr Speaker, Acklen, Barclay, Brodnax, Brown, Chiles, Collins, Dillett, Durand, Gilbreath, Harris, Hickman, Hogg, Jackson, Kilpatrick, King of J. King of M. Mardis, Massey, Mobley, Moore of M. Oliver, Rather, Riddle, Sanders, Williams, Young.

Those who voted for Mr Guild are, Mr President, Abercrombie, Anderson, Bridges, Crawford, Dupuy, Hogan, Merriwether, Morton, Pickett, Powell, Smith, Vining.—Reps. Mr Speaker, Baker, Boyd, Brodnax, Brown, Clark, Clough, Collins, Coopwood, Cunningham, Dubose, Dillahunt, Faulk, Gayle, George, Gilbreath, Hall, Hodges, Hogg, Horton, Hudson, Kilpatrick, King of M. King of P. Langford, Lawler, Lea, Mardis, M'Collum, M'Vay, Metcalfe, Mobley, Moore of W. Oliver, Richardson, Rugely, Ross, Shortridge, Stevens, Williams, Young.

Those who voted for Mr Parish are, Mr President, Abercrombie, Bridges, Conner, Crawford, Edmondson, Garth, Hogan, Hubbard, Irwin, Jackson, Merriwether, Perry, Pickett, Powell, Smith, Vining.—Reps. Mr Speaker, Acklen, Barclay, Boyd, Brown, Chiles, Clark, Clough, Coopwood, Dubose, Dillahunt, Everett, Faulk, Gayle, George, Gilbreath, Hall, Herbert, Hickman, Hodges, Hogan, Horton, Hud-

son, Jackson, King of J. King of M. King of P. Langford, Lawler, Lea, Massey, M'Cullum, Metcalfe, Moore of M. Moore of W. Murphree, Musgrove, Philpott, Rather, Richardson, Ross, Rugely, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Young.

Those who voted for Mr Andrews are, Messrs President, Crawford, Dupuy, Edmondson, Hemphill, Hogan, Hubbard, Jackson, Merton, Smith.—Reps. Messrs Speaker, Acklen, Barclay, Boyd, Brown, Clark, Clough, Collins, Coopwood, Cunningham, Dubose, Dillahunty, Faulk, Gayle, George, Gilbreath, Hall, Herbert, Hickman, Hogan, Hogg, Horton, Jackson, Kilpatrick, King of J. King of M. King of P. Langford, Lea, M'Vay, Moore of M. Murphree, Musgrove, Oliver, Philpot, Rather, Riddle, Sanders, Shortridge, Stevens, Taylor Townsend, Walker, Ward, Williams and Young.

Those who voted for Mr Pattison, are, Messrs Abercrombie, Dupuy, Edmondson, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Morton and Perry.—Reps. Messrs Baker, Boyd, Brown, Chiles, Clark, Clough, Collins, Coopwood, Cunningham, Dubose, Dillahunty, Durand, Faulk, George, Gilbreath, Hall, Herbert, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of P. Lane, Lea, M'Cullum, Metcalfe, Murphree, Musgrove, Oliver, Philpot, Rather, Riddle, Rugely, Shortridge, Stevens, Taylor, Townsend, Walker, Ward and Williams.

Those who voted for Mr Walker are, Mr President, Bridges, Crawford, Hemphill, Hogan, Hubbard, Perry, Pickett, Smith.—Reps. Messrs Acklen, Boyd, Clark, Clough, Coopwood, Cunningham, Dubose, Dillahunty, Faulk, Gayle, Gilbreath, Hall, Hodges, Hogan, King of M. King of P. Lea, M'Vay, Moore of W. Riddle, Shortridge, Stevens and Ward.

John H. Sommerville, Samuel B. Ewing, Charles Lewin, Thomas R. Bolling, Frederick C. Ellis, William G. Parish, Constantine Perkins, William R. Colgin, Gilbert Saltonstall, John O. Cummins, H. M. Andrews, and James Guild having received a majority of votes, were declared by Mr Speaker to be duly elected Directors of the Bank of the State of Alabama.

The elections being completed, the Senate then withdrew, and then the House adjourned until to-morrow morning at 9 o'clock.

Saturday, Jan. 15, 1831.—At nine o'clock A. M. a quorum not having assembled, Mr Hudson moved a call of the House, when the following members answered to their names, viz: messrs Acklen, Boyd, Brodnax, Brown, Clark, Collins, Cunningham, Dillett, Everett, Faulk, Gayle, George, Gilbreath, Hall, Herbert, Hickman, Hogan, Hogg, Horton, Hudson, King of J. Lane, Langford, M'Vay, Metcalfe, Moore of M. Moore of W. Murphree, Philpott, Rather, Riddle, Ross, Sanders, Stephens, Taylor and Williams.

A quorum assembled, and the House proceeded to business.

The House then took into consideration the rule proposed on yesterday by Mr M'Vay; which was adopted. Mr Hudson called for the previous question, and carried. Yeas 36—Nays 16.

The yeas and nays being desired those who voted in the affirmative are, messrs Acklen, Brodnax, Brown, Clark, Clough, Collins, Coopwood, Cunningham, Dillahunty, Dillett, Durand, Faulk, Gayle, George, Gilbreath, Hall, Herbert, Hickman, Horton, Hudson, King of P. Lane, Mardis, Massey, M'Cullum, M'Vay, Metcalfe, Mobley, Moore of M. Moore of W. Philpott, Richardson, Sanders, Shortridge, Ward and Williams.

Those who voted in the negative are messrs Barclay, Chiles, Everett, Hogan, Hogg, King of J. Lea, Murphree, Musgrove, Oliver, Price, Riddle, Ross, Rugely, Stevens and Taylor.

Mr Sanders offered the following resolution: *Resolved*, that the Senate be informed that the business before this House imperiously requires that the two Houses should continue in session three days longer, and therefore a committee of conference is respectfully asked to consider the propriety of rescinding the resolution proposing to adjourn this day. The previous question was called for by Mr Everett. The previous question was then demanded by a majority of the members present, when the said previous question was put, viz: Shall the main question be now put? and passed in

the affirmative; and the main question was on the adoption of the resolution, and lost. Yeas 24—Nays 33.

The yeas and nays being desired those who voted in the affirmative are messrs Speaker Acklen Bradnax Brown Collins Coopwood Cunningham Durand Everett Gayle George Gilbreath Herbert Hickman Hogan Kilpatrick Lawler Mardis McVay Sanders Shortridge Taylor and Williams.

Those who voted in the negative are messrs Chiles Clark Clough Dillahunty Dilleut Faulk Hall Hogg Horton Hudson Jackson King of J. King of M. King of P. Lane Langford Lea Messey McCollum Metcalfe Mobley Moore of M. Moore of W. Morphree Musgrove Philpott Price Riddle Richardson Ross Rugeley Townsend and Walker.

Mr Everett offered the following resolution: *Resolved*, that the Honorable James Penn, Speaker of this House, having ably, faithfully, promptly and impartially discharged the duties of his responsible trust, is entitled to the respect and thanks of this body; which was unanimously adopted.

Ordered, that the House concur in the amendments made by the Senate to the bill entitled an act to authorize William M. Marr to open and keep in repair a certain road therein mentioned.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have concurred in the amendments made by the House of Representatives to the joint resolution entitled, joint resolution to keep and preserve all the furniture of both Houses of the General Assembly, and for other purposes. They have read three several times and passed a bill to be entitled an act to emancipate certain slaves therein named: in which they desire the concurrence of the House of Representatives. They have also read three several times and passed bills entitled, an act authorizing the administrators of the estate of William Bonnell, of Lowndes county, to make titles to certain lands therein named; and, an act to emancipate certain slaves therein named: in which they desire the concurrence of your honorable body.

Mr Clark moved that the House recede from their disagreement to the amendment made by the Senate to the bill entitled, an act to prohibit the clerks of the Circuit and County Courts of Tuscaloosa county from taxing in the bill of costs a county tax on judgements rendered in favor of the Bank of the State of Alabama.

Ordered, that the House recede from their amendments to the bill entitled an act for the relief of Philemon Waters, Robert M. Hails and John S. Bailey.

Bills from the Senate of the following titles, to wit: An act to emancipate certain slaves therein named; an act to authorize the administrators of the estate of William Bonnell, deceased, late of Lowndes county, to make titles to certain lands therein named, were severally read a first time: and the rule requiring bills to be read on three several days being dispensed with, they were severally read a second time forthwith: and the rule being further dispensed with, they were read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Mardis moved that the House take up for consideration Mr Harris' motion to reconsider the vote given on the rejection of the bill entitled an act to improve the navigation of the Coosa river. Mr Hudson moved a call of the House, when the following members were absent, to wit: messrs Clough, Dubose, Dillahunty, Faulk, Gilbreath, Herbert, Hickman, Hogan, Horton, Jackson, King of P. Langford, Price, Riddle, Richardson, Ross, Ward and Young. The motion is therefore postponed for one hour, agreeably to a rule of the House. Mr Everett moved that the absentees be sent for; which was carried.

Ordered, that the House concur in the amendments made by the committee of conference to the bill entitled an act to incorporate the town of Waverly, in Pickens county, and Fayetteville, in Fayette county, and for other purposes.

The bill from the Senate entitled an act providing for the completion of the State Capitol, was read a third time, and the question being put, Shall this bill pass? it was determined in the affirmative. Yeas 33—Nays 18.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Acklen, Barclay, Brown, Chiles, Collins, Coopwood, Cunningham, Dillahunty, Durand, George, Gilbreath, Harris, Hodges, Hogg, Hudson, Kilpatrick, King of J. King of M. Lane, McCollum, McVay, Metcalfe, Moore of M. Philpott, Rather, Riddle, Richardson, Sanders, Shortridge, Stevens, Walker and Williams.

Those who voted in the negative are, messrs Baker, Boyd, Clark, Dillett, Everett, Hall Hogan, King of P. Lea, Mobley, Moore of W. Musgrove, Oliver, Rugeley, Tayler, Townsend, Ward and Young.

Ordered, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to repeal in part an act therein named; an act to change the line between the counties of Montgomery and Shelby; an act to manumit and set free certain slaves therein named, and for other purposes; an act for the relief of the city troop, commanded by Capt. James Taylor, of the city of Mobile; an act for the relief of the fire engine company No. 2, of the city of Mobile; an act to provide the means for building a jail for the county of Jackson; an act to alter and amend an act entitled an act to incorporate the town of Vernon, in the county of Autauga; an act to compensate Henry Tuttle for apprehending a horse thief; an act to continue in force and amend an act entitled an act to provide for reporting the decisions of the Supreme Court; an act extending relief to Daniel Davis, Meredith Moses and E. W. Thomas; an act to change the time of holding County Courts in the county of Dallas; and a joint resolution to authorize the Secretary of State to procure books and stationary for the use of the State Departments and General Assembly: all of which originated in the Senate. An act changing the line between the counties of Shelby, Jefferson and St Clair; an act to add the residue of the 14th township, 12th range, west of the basis meridian, of Huntsville, from the county of Marion to the county of Fayette; an act to authorize Randal Jackson, guardian of Randal Beasley to sell a certain slave therein named; an act altering the boundary line between the counties of Bibb and Tuscaloosa; an act making appropriations for the year 1831.

The bill from the Senate entitled an act to enable the State of Alabama to sell and dispose of certain reserved lands therein named, was read a third time. The previous question was called for by mr McVay; the previous question was then demanded by a majority of the members present, when the said previous question was put, viz: Shall the main question be now put? and passed in the affirmative; and the main question was on the passage of the bill: and the question being put, Shall this bill pass? it was determined in the affirmative. Yeas 30—Nays 22.

The yeas and nays being desired, those who voted in the affirmative are, messrs Baker, Boyd, Chiles, Collins, Coopwood, Cunningham, Gayle, George, Harris, Hodges, Hogg, Hudson, Jackson, King of P. Lane, Lea, McCollum, McVay, Metcalfe, Mobley, Moore of W. Oliver, Riddle, Richardson, Rugeley, Sanders, Shortridge, Townsend, Walker and Williams.

Those who voted in the negative are, messrs Speaker, Acklen, Barclay, Clark, Dillahunty, Durand, Everett, Gilbreath Herbert, Hogan, King of J. King of M. Lang,

ford, Lawler, Mardis, Massey, Moore of M. Philpott, Rather, Stephens, Taylor, and Young.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate.

The joint resolution authorizing and directing the board of internal improvement to cause a survey of examination to be made on that part of Elk river running within the limits of the State of Alabama, for the purpose therein named, was on motion of Mr Coopwood, laid on the table.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have read three several times and passed a bill which originated in the House of Representatives, entitled an act for the payment of certain claims therein specified, and have amended the same as herewith shown: in which they desire the concurrence of your hon. body. They have also adopted the following resolution, in which they desire the concurrence of your honorable body: *Resolved*, that with the concurrence of the House of Representatives, the two Houses will go into the election of five members of the medical board for the city of Mobile this day at 5 o'clock. They have also read and adopted the following resolution, in which they desire the concurrence of the House of Representatives: *Resolved*, that a committee be appointed on the part of the Senate to act with such committee as may be appointed on the part of the House of Representatives, to wait upon the Governor and inform him that the two Houses will be ready to adjourn *sine die* this day at 10 o'clock P. M. if he has no further communication to make. They have appointed a committee on their part consisting of messrs Bridges, Perry and Hogan.

Whereupon, messrs Taylor, M'Vay and Coopwood were appointed on the part of this House.

Ordered, that the House concur in the amendments made by the Senate to the bill entitled an act for the payment of certain claims therein specified.

The bill from the Senate entitled an act incorporating the Florence Academy, in the town of Florence, in Lauderdale county, was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate.

The question recurred on Mr Hartis's motion to reconsider the vote given upon the rejection of the bill entitled an act to improve the navigation of the Coosa river; which was carried. Yeas 31—Nays 23.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Baker, Boyd, Chiles, Clark, Collins, Dillitt, Durand, Everett, Gayle, Hall, Harris, Herbert, Hogan, Hogg, Kilpatrick, King of J. Langford, Lawler, Mardis, Massey, Moore of W. Morphree, Musgrove, Oliver, Ross, Sanders, Shortridge, Taylor, Townsend and Williams.

Those who voted in the negative are, messrs Acklen, Barclay Coopwood, Cunningham, Dubose, Faulk, George, Hickman, Horton, Hudson, King of M. King of P. Lane, M'Collum, M'Vay, Mobley, Moore of M. Philpott, Price, Rather, Riddle, Walker, and Young.

Mr King of P. moved to amend the bill, by adding thereto an additional section. Mr Baker called for the previous question. The previous question was then demanded by a majority of the members present: when said previous question was put, viz. Shall the main question be now put? and passed in the affirmative: and the main question was on the adoption of the bill: and the question being put, Shall this bill pass? it was determined in the affirmative. Yeas 26—Nays 25.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker, Boyd, Chiles, Clark, Dillitt, Durand, Everett, Gayle, Hall, Harris, Her-

bert, Hogan, King of J. Langford, Lawler, mardis, massey, moore of W. murphree, musgrove, Oliver, Ross, Shortridge, Taylor, Townsend and Williams.

Those who voted in the negative are messrs Speaker, Acklen, Barclay, Coopwood, Cunningham, Debose, Faulk, George, Hickman, Horton, Hudson, Kilpatrick, King of M. King of P. Lane, M'Collum, M'Vay, Mobley, moore of M. Philpot, Price, Riddle, Sanders, Townsend and Young.

A motion was made by mr Mardis that the bill be forthwith sent to the Senate; which was disagreed to by the House.

A message was received from the Senate by mr Gayle: Mr Speaker—The Senate have concurred in the several amendments made by your honorable body to the bill from the Senate to be entitled an act providing for the completion of the State capitol. They have read three several times and passed bills which originated in the House of Representatives of the following titles, to wit: an act to attach a part of Wilcox county to the county of Clarke; an act divorcing certain persons therein named; an act to provide for the payment of the petit jurors in the county court of Pike county; and, an act more effectually to secure the compensation allowed by law to the jurors of Monroe county. They have read three times and passed a bill to be entitled an act to incorporate the President and Trustees of the Tuscaloosa Female Academy: in which they desire your concurrence.

Mr Herbert made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, to wit: an act to emancipate certain slaves therein named; an act to divorce Eliza Boalt from Lewis Boalt; an act to incorporate the town of Carrolton in Pickens county, and Fayetteville in the county of Fayette, and for other purposes; an act authorizing the alteration of a road therein named; joint resolution to keep and preserve all the furniture of both Houses of the General Assembly, and for other purposes; joint resolution making it the duty of the Secretary of State to distribute to each regiment the abstracts of Infantry tactics now in his office.

A message from the Senate by mr Gayle: Mr Speaker—The Senate have read three several times and passed a bill which originated in the House of Representatives, of the following title, an act making appropriation for certain claims against the State: and have amended the first section, by striking out \$23, the allowance to John Grigg, sheriff of Lawrence county, and inserting in lieu thereof, \$85 80 cents; by striking out \$50 the allowance to John Tatom for servant hire, and inserting in lieu thereof, \$24, They have further amended the same by adding thereto twenty-one additional sections; which are herewith reported: in which they ask your concurrence.

Mr Clark in the Chair decided it in order on the last legislative day after both Houses had concurred in a resolution to adjourn *sine die* to send bills, &c. to the Senate without any formal motion as soon as passed, or amendments concurred in; from which decision mr Coopwood appealed. Yeas 24—Nays 25.

The yeas and nays being ordered, those who voted in the affirmative are, messrs Chiles Dilleat Durand Everett Faulk Herbert Hogan King of J. King of P. Langford Lawler mardis Massey Murphree Musgrove Oliver Ross Shortridge Taylor Townsend.

Those who voted in the negative are, messrs Speaker Acklen Barclay Collins Coopwood Cunningham Dillahunt George Gilbreath Harris Hickman Horton Hudson Kilpatrick King of M. Lane M'Collum M'Vay Moore of M. Philpot Price Rather Riddle Richardson Stephens Williams Young. So the opinion of Mr Chairman was overruled.

The bill from the Senate entitled an act to incorporate the President and Trustees of the Tuscaloosa Female Academy, was read a first time: and

the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and the rule being further dispensed with, it was read a third time forthwith, and laid on the table.

Ordered, that the House disagree to the amendments made by the Senate to the bill entitled an act making appropriations for certain claims against the State, by striking out *fifty dollars* to insert *twenty four dollars*. They also disagree to the amendment to the allowance of \$202 35 cents to — Jenkins, sheriff of Tuscaloosa county.

And then the House adjourned until 3 o'clock this evening.

Evening Session, 3 o'clock.—The House met pursuant to adjournment.

The House resumed the consideration of the bill making appropriations for certain claims against the State. Mr Rather, who voted in the majority on disagreeing to the amendment made by the Senate to the allowance made to — Jenkins, sheriff of Tuscaloosa county; which was carried: the amendment was then concurred in. *Ordered*, that the House concur in all the other amendments made by the Senate to said bill.

The bill from the Senate entitled an act to amend an act entitled an act to alter and amend the charter of incorporation of the city of Mobile, was read a second time: and the rule requiring bills to be read on three several days being dispensed with, the bill was read a third time, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Rather called up the bill entitled an act to incorporate the President and Trustees of the Tuscaloosa Female Academy. Mr Rather moved to amend the bill by way of engrossed ryder, by adding thereto sundry additional sections. Mr Moore of M. moved to amend Mr Rather's amendment by the addition of sundry sections; which was adopted. The question was on Mr Rather's amendment as amended, and carried. Mr Moore moved to amend the title of the bill, *and for other purposes*; which was adopted. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Mardis moved that the bill entitled an act to improve the navigation of the Coosa river be forthwith sent to the Senate.

The previous question was called for by Mr Taylor. The previous question was then demanded by a majority of the members present: when the said previous question was then, Shall the main question be now put? and passed in the affirmative. And the main question was on sending the bill forthwith to the Senate, and lost. Yeas 25—Nays 31.

The yeas and nays being desired, those who voted in the affirmative are, messrs Boyd, Brodnax, Chiles, Clark, Dillett, Dorand, Everett, Gayle, Harris, Hogan, Hogg, King of J. Langford, Lawler, Mardis, Massey, Moore of W. Murphree, Musgrove, Oliver, Ross, Rugely, Shortridge, Taylor and Williams.

Those who voted in the negative are, messrs Speaker, Acklen, Clough, Coopwood, Cunningham, Dubose, Dillahunty, George, Gilbreath, Hickman, Hodges, Horton, Hudson, Kilpatrick, King of M. King of P. Lane, Lea, McCollum, McVay, Mbley, Moore of M. Philpott, Price, Rather, Riddle, Richardson, Sanders, Stevens, Young and Faulk.

Mr Clark in the chair, and decided that two calls of the House on the same bill on the same day was out of order. From which decision Mr Coopwood appealed.

The yeas and nays being desired, those who voted in the affirmative are, messrs Boyd, Brodnax, Chiles, Dillahunty, Dillett, Dorand, Everett, Faulk, Harris, Hogan, Hogg, Horton, Hudson, King of J. Langford, Lawler, Mardis, Massey, Moore of W. Murphree, Musgrove, Oliver, Rather, Ross, Rugely, Shortridge, Taylor, Williams and Young.—29.

Those who voted in the negative are, messrs Acklen, Clough, Coopwood, Can-

ningham, Dubose, George, Gilbreath, Hickman, Hedges, Kilpatrick, King of M. King of P. Lane, Lea, McCollum, McVay, Mobley, Moore of M. Philpott, Price, Riddle, Richardson and Stevens.—23.

Engrossed bill entitled an act for the relief of Collin Bishop, was read a third time. Mr Herbert moved that the bill be indefinitely postponed ; which was lost. Yeas 12.—Nays 34.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Acklen, Boyd, Chiles, Dillett, Everett, Herbert, Hickman, Riddle, Richardson, Taylor and Young.

Those who voted in the negative are, messrs Brodnax, Clark, Clough, Coopwood, Cunningham, Dubose, Dillahunty, Durand, Faulk, Gayle, George, Gilbreath, Hedges, Hogan, Horton, Hudson, King of P. Lawler, Lea, Massey, Massey, McCollum, McVay, Mobley, Moore of M. Moore of W. Oliver, Price, Rather, Rugely, Sanders, Shortridge, Stevens and Williams.

Mr Lawler moved to amend the bill by proviso, by way of engrossed rider; which was carried. The question was on the passage of the bill, and carried. Yeas 30.—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are, mr Barclay, Brodnax, Clark, Cunningham, Dubose, Dillahunty, Durand, Gayle, George, Gilbreath, Harris, Horton, Hudson, Kilpatrick, King of M. King of P. Lane, Lawler, Lea, Massey, McCollum, McVay, Mobley, Oliver, Price, Riddle, Rugely, Shortridge, Stevens, Williams.

Those who voted in the negative are, messrs Speaker, Acklen, Boyd, Dillett, Everett, Herbert, Hickman, Hogan, Hogg, Moore of M. Moore of W. Philpot, Rather, Richardson, Sanders, Taylor, Young.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message from the Senate by mr Lyon : *Mr Speaker*—The Senate concur in the several amendments made by the *House* of Representatives to the bill entitled an act to amend an act to alter and amend the charter of incorporation of the city of *Mobile*. They insist on their amendment to the bill entitled an act making appropriations for the payment of certain claims against the State, by striking out \$50. the allowance to John Tatom for servant hire, and extra services, and inserting \$24. The Senate also concur in the several amendments made by the *House* of Representatives to the bill entitled an act to incorporate the President and Trustees of the Tuscaloosa Female Academy.

Mr Mobley moved that the *House* recede from their disagreement to the amendment made by the Senate to the bill entitled an act making appropriation for the payment of certain claims against the State, as relates to the payment of John Tatom, door keeper, for servant hire and extra services.

Mr Acklen made the following report : The committee on enrolled bills have examined and found correctly enrolled, an act to authorize William M. Marr to open and keep in repair a certain road therein mentioned ; an act to provide for the payment of the petit jurors in the county court of Pike county ; an act more effectually to secure the compensation allowed by law to the jurors of Monroe county ; an act to attach part of Wilcox county to the county of Clarke ; an act divorcing certain persons therein named ; an act to discontinue and establish certain election precincts therein specified : all of which originated in this *House*. An act for the relief of Philomon Waters, Robert M. Hails and John S. Bailey ; an act for the completion of the State capitol ; an act to emancipate certain slaves therein named ; an act incorporating Florence Academy, in the town of Florence ; an act to enable the State of Alabama to sell and dispose of certain reserved lands therein named ; an act to authorize the administrators of William Bonnell, deceased, late of Lowudes bounty, to make titles to certain lands therein named : which originated in the Senate.

Mr Taylor made the following report : The joint committee instructed

to inform His Excellency the Governor that the two Houses of the General Assembly will be ready to adjourn at 10 o'clock, P. M., to day, have performed that duty, and received for answer that he had no further communication to make, except the assurance of his profound respect for this co-ordinate branch of the Government, and his wishes for the individual happiness and prosperity of its members. *Ordered*, that said report lie on the table.

A Message from the Governor by James I. Thornton: Mr Speaker—I am instructed by the Governor to inform your honorable body, that he did on the 14th inst. approve and sign the following bills: An act to make an appropriation therein named; an act to compensate George N. Taylor for expenses incurred in the prosecutions of David M. Smithson, charged with murder; an act making it the duty of the proper officers of those counties in which any business is pending which properly belongs to the county of Lowndes to transfer the same to said county. And on this day, 15th, an act making appropriations for the year 1831; an act changing the line between the counties of Shelby, Jefferson and St. Clair; an act to establish a certain ferry therein named; an act altering the boundary lines between the counties of Bibb and Tuscaloosa; an act to authorize Randle Jackson, Guardian of Randle Beasley, to sell a certain slave therein named; an act to add the residue of the 14th township, 12th range, west of the basis meridian of Huntsville, from the county of Marion, to the county of Fayette; an act to incorporate the Ashville Academy, in St. Clair county; an act permanently to fix the Seat of Justice of Clarke county, and for other purposes; an act to continue in force and amend an act entitled an act to provide for reporting the decisions of the Supreme Court; and an act to repeal an act entitled an act to authorize the Judge of the County Court and Commissioners of Roads and Revenue of Fayette county, to levy an extra tax, approved January 24th, 1829: all of which originated in the House of Representatives.

Mr Lane made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act for the payment of certain claims therein specified; which originated in this House.

The bill entitled an act making an appropriation for the payment of a certain claim against the State, to John J. Webster and Hiram P. Cochrane, assignees of William A. McDaniel, was read a second time. Mr Dillett moved its reference to the committee on accounts; which was lost. It was then ordered to be engrossed for a third reading on Monday next.

The engrossed bill entitled an act for the relief of William Jones, tax-collector of Lawrence county, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Lane made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to amend an act entitled an act to alter and amend the charter of incorporation of the city of Mobile; which originated in the Senate.

On motion of Mr Richardson: *Resolved*, that the Senate be informed that the House of Representative is now ready to receive them in the Representative Hall, for the purpose of going into the election of a Medical Board for the city of Mobile;

The Senate having repaired to the Hall of the House of Representatives, and took their seats, the two houses proceeded to the election of five members of the Medical Board for the city of Mobile; Dr Ezekiel Webb, Dr Solomon Mordecai, Dr Henry S. Levert, Dr James F. Roberts, Dr L. Chicupe, Dr Victoria Gennard being in nomination, the vote stood thus: for Dr Webb 47; Dr Mordecai 47; Dr Levert 42; Dr J. F. Roberts 52; Dr Chicupe 26; Dr Willis Roberts 32; Dr Gennard 9.

Those who voted for Dr Webb are, Mr President Bridges Conner Crawford Garth Hogan Jackson Merriwether Perry Powell Smith Vining Walthall,—Reps. Mr Speaker Acklen Barclay Boyd Chiles Clark Clough Dillahunt Durand Everett Faulk Gilbreath Harris Herbert Hickman Hogan Hudson King of M. King of P. Lane Lawler Lea Massey M'Collum Mobley Moore of M. Oliver Philpott Richardson Ross Rugeley Shortridge Taylor.

Those who voted for Dr Mordecai are, Mr President Conner Crawford Hogan Jackson Merriwether Perry Powell Smith Vining Walthall.—Reps. Mr Speaker Acklen Barclay Boyd Chiles Clark Clough Dillahunt Durand Everett Faulk Gilbreath Har-

ris, Herbert Hickman Hogan Hogg Hudson King of M. King of P. Lane, Lawler Lea Massey M'Cullum M'Vay Mobley Moore of M. Oliver Philpott Rather Richardson Ross Rugeley Shortridge Taylor.

Those who voted for Dr Levert are, Mr Bridges Conner Crawford Garth Jackson Merriwether Perry Powell Vining Walthall.—Reps. Mr Speaker Acklen Barclay Boyd Chiles Clough Dillahunty Everett Faulk Gilbreath Harris Herbert Hickman Hogg Hudson King of M. King of P. Lane Lawler Lea Massey M'Collum M'Vay Mobley Moore of M. Oliver Philpott Rather Richardson Ross Rugeley Taylor.

* Those who voted for Dr James F. Roberts are, Mr Bridges Conner Garth Jackson Perry Powell Vining Walthall.—Reps. Mr Speaker Acklen Barclay Boyd Chiles Clough Durand Everett Faulk Gilbreath Harris Herbert Hickman Hogan Hogg Hudson King of M. Lane Lawler Lea Massey M'Collum M'Vay Mobley Moore of M. Oliver Philpott Rather Richardson Ross Rugeley Sanders Shortridge Taylor.

Those who voted for Dr Chieupe are, Mr President Bridges Conner Crawford Garth Hogan Merriwether Smith.—Reps. Mr Speaker Barclay Clark Clough Dillahunty Everett Faulk Gilbreath Herbert Lane Massey Mobley Philpott Rather Richardson Ross Rugeley Shortridge Taylor.

Those who voted for Dr Willis Roberts are Mr President Bridges Crawford Garth Hogan Jackson Merriwether Perry Powell Smith Vining Walthall,—Reps. Mr Acklen Boyd Chiles Clark Dillahunty Durand Harris Hickman Hogan Hogg Hudson King of M. King of P. Lawler Lea M'Collum M'Vay Moore of M. Rather Sanders Shortridge.

Those who voted for Dr Gennard are, Mr President Hogan Smith.—Reps. Mr Clark Durand Hogan King of P. Oliver.

Doctors Webb, Mordecai, Levert, J. F. Roberts and Willis Roberts having received a majority of the whole number of votes present, were declared by Mr Speaker to be duly elected members of the medical board for the city of Mobile.

The Senate withdrew; and the House adjourned to half past 7 o'clock this evening.

Night Session, half past 7 o'clock.—The House met pursuant to adjournment.

A Message from the Senate by Mr Gayle: Mr Speaker—The Senate have read three several times and passed the following bills which originated in the House of Representatives: an act for the relief of Collin Bishop; and an act for the relief of William Jones, tax-collector of Lawrence county.

The bill from the Senate entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named, was read a second time. Mr Moore of M. moved to amend the bill by striking out such parts of the bill as relates to occupants; which was lost: and the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate.

The bill from the Senate entitled an act to authorize William Read, Guardian of John Stephens, a minor, to sell and convey certain real estate, was read a second time.

Mr Clark moved a call of the House, when the following members were absent, viz: messrs Acklen, Brown, Brodnax, Clough, Collins, Dubose, Everett, Gayle, George, Harris, Hickman, Hogg, Jackson, King of M. Mardis, M'Collum, Metcalfe, Price, Richardson, Townsend, Walker, Ward and Williams.

The bill lies over for one hour, agreeably to the rules of the House.

The engrossed bill entitled an act to authorize Jesse Dearing and Philip Brothers to turnpike a road therein mentioned, was read a third time.

Mr Clark moved a call of the House, when the following members were absent, viz: messrs Acklen, Brodnax, Brown, Clough, Collins, Dubose, Everett, Gayle, George, Hall, Harris, Hickman, Hogg, Horton, Jackson, Mardis, M'Collum, Metcalfe, Price, Richardson, Stephens, Townsend, Walker, Ward and Williams.

The bill lies over for one hour, agreeably to the rules of the House.

Mr Herbert made the following report: The committee on enrolled bills have examined and find correctly enrolled, An act for the relief of Collin Bishop.

Mr Riddle made the following report: The committee on enrolled bills have examined and find correctly enrolled, An act to prohibit the Clerks of the Circuit and County Courts of Tuscaloosa county from taxing in the bill of costs a county tax on judgements rendered in favour of the Bank of the State of Alabama; and an act for the relief of William Jones, tax-collector of Lawrence county.

Mr Speaker laid before the House the Annual Report of the Trustees of the

The Board of Trustees of the University of Alabama respectfully submit their Annual Report to the General Assembly. **CAPITAL STOCK**

The proceeds of the sale of 33,392.38 acres of land to 8th Dec. 1830 \$368,088 74
Of this amount there has been received, and invested in Six

Per Cent. Stock of the State	- - - - -	\$140,047 20
Collected on outstanding bonds and to be vested	- - - - -	5,070 63
Bonds outstanding, and now due, to the amount of	- - - - -	38 966 91
Bonds outstanding, and will fall due in 1831	- - - - -	57,251 40
in 1832	- - - - -	29 340 29
in 1833	- - - - -	58 143 91
in 1834	- - - - -	1 440 77
in 1835	- - - - -	14 940 56
in 1836	- - - - -	13,822 22
in 1837	- - - - -	9,405 15

And there are remaining unsold 12,687.42 acres of land.

INCOME FUND.

From all sources	- - - - -	\$17,316 35
Cash dividend on \$128,654 36 Six Per Cent State Stock, declared 9th November, 1830	- - - - -	\$7,719 24
For rent of lands, on Interest Bonds, and interest on bonds for deferred payments	- - - - -	9,597 61

Amount borrowed from the Bank, and remaining unpaid - - - \$10,000 00

DISBURSEMENT

There has been disbursed, from 26th November, 1829 to 26th November, 1830, the sum of - - - - - \$39,560 31

As follows, to wit.

Towards the buildings of the University	- - - - -	\$33,968 60
Current expenses of the Board, and to Agents for selecting lands for the University, &c.	- - - - -	3 698 58
Agents' commissions for collecting and selling	- - - - -	1,007 13
Architect's Salary	- - - - -	800 00
Interest obtained by the Bank	- - - - -	186 00

The Board of Trustees further report, that a minute detail of all the transactions of the Board can be better understood by a reference to their journal, to an examination of which they respectfully invite your honorable body. At the same time, they deem it incumbent on them to give a brief abstract of the subjects which have occupied their attention, or afforded matter for deliberation, since their last Annual Report. Early in the past year, the Building Committee, with the assistance of the superintendent, entered into contracts with different individuals, for the completion of the several collegiate buildings, (except the Rotunda,) all of which contracts have been severally complied with. During the present session of the Board, contracts have been let for the completion of the Rotunda, and for enclosing the grounds around the buildings, the whole to be completed before the first day of May next. For a more explicit account of the transactions of the Building Committee, we would respectfully refer you to their Report, hereto annexed.

The University edifices are now ready for the reception of students; and the Board confidently expect, at no distant day, to see them crowded to overflowing, and the whole in successful operation.

At the last annual meeting of the Board, an election was had for a President, and Professors for the institution; with the result of which you have already been apprized. The gentlemen selected to fill the different chairs, were at an early period notified of their respective appointments; and requested to signify their willingness or unwillingness to accept of the chairs to which they had been elected. Dr. Saffronstall, Professor of Mathematics, and Dr. Walsh, Professor of Moral Philosophy, accepted; and Dr. Lindsley, the President, and Mr. Hooper, Professor of Languages, declined. During the last summer, Dr. King, who had been made Adjunct Professor of Chemistry, departed this life. By his death a vacancy has been created, which the Board do not deem it expedient at this time to fill. In order to fill it to the greatest possible advantage to the interests of the University, the vacancies occasioned by the refusal of Dr. Lindsley and Mr. Hooper to accept the chairs which they had been elected to; and to ensure the appointment of a suitable and well qualified person to preside over the institution, and control and direct his infant energies, a member of this Board (Mr J. G. Birney of Huntsville) was appointed to visit the literary institutions of the northern and eastern States, and ascertain from themselves what distinguished Professors would be willing to attach themselves to the rising fortunes of our University. Mr. Birney, in obedience to his instructions, proceeded to the North, and discharged, to the entire satisfaction of

the Board, the duties attendant upon his mission. Early in the present session of the Board, they went into an election to fill the vacancies before-mentioned; when Dr Alva Woods, President of the Transylvania University, was chosen Professor of Moral Philosophy, and President of the institution; and Mr T. Wilder, of Virginia, Professor of Ancient Languages. The Board possess ample surety in the distinguished literary and scientific reputation of these gentlemen, that all will be done which zealous devotion and well cultivated talents of the highest order can effect, to place the University of Alabama on that lofty eminence which they fondly hope it is destined to occupy among the literary institutions of our country. Impressed with a belief of its great utility and importance, the Board have taken measures to form a Museum for the University; and for that purpose have employed Mr McMillan, a Naturalist, to collect and prepare specimens of natural history. The same individual has, also, undertaken to collect such antiquities of this State as may come within his knowledge. In this way, not only the natural history of our own country may be collected in a few years, but, by a system of exchanges with foreign institutions, many valuable specimens will be obtained from thence. This undertaking has already been commenced, and a considerable number of specimens prepared, which are now at the institution. We confidently hope, that the public will assist our views in this matter, by sending to the University any specimens of natural history or antiquities which may fall within their reach.

The Board do not deem it necessary or proper, at this time, to advert to the calls for relief that have been made upon them at various times by the purchasers of University lands; or of their project for the admission to the University, of a certain number of charity students annually, from each county, to be educated free of all expense: as your honorable body is already fully in possession of the views of the Board in relation to these very interesting topics.

The Board of Trustees would be doing violence to their own feelings, and manifest an unpardonable indifference to the important trust delegated to them, were they at this time to refrain from indulging in a few reflections on the flattering prospects of our infant institution, and on the great moral influence it is destined to exercise over our State.

The period is rapidly approaching when its advantages will be felt and seen in our Legislative Halls, at the Bar, on the Bench, and in the Pulpit. With buildings erected on a scale commensurate with its means, which, for convenience of arrangement, purity and chasteness of design, will not suffer by a comparison with similar edifices in any part of the Union. Amply endowed by the munificence of the General Government, with a President and Professors whose present reputation bespeak their future zeal and ability, what may we not reasonably expect from this child of our hopes? The sun of science will soon be seen rising in the wilderness, darting his rays through the forest to every cottage; and with their genial warmth, dissipating the clouds of ignorance and prejudice which have so long over shadowed and darkened the face of our land. The streams of learning which will flow from this fountain of knowledge, are not to be monopolized and engrossed by the privileged few, to the exclusion of the many.

By a wise legislative provision, it is intended for the general good to infuse new life and vigor through the moral and political body. The friendless and unprotected child of genius and misfortune, will here drink at the Castalian fount, with the pampered sons of luxury and affluence. It would be an act of presumption in the Board, (nor is it here intended,) to attempt to adduce any new argument in favour of the system projected for the admission and education of these, the narrowness of whose means would otherwise exclude them for ever from the benefits of education. The superior blessings and advantages of an enlarged and liberal education, none will have the hardihood, in this age of improvement to doubt or deny. And upon the general diffusion of knowledge through the great mass of the population, will, in all ages and in all countries, depend, in no small degree, the health and vigor of the body politic. The more you improve and enlighten the public mind, the more secure you render it against insidious and inflammatory machinations of the factious demagogue.

Convinced of the truth of these remarks, would we be acting in good faith towards those who have placed us upon the watchtower of the State, that we should, with a vigilant and unsleeping eye, guard their rights and liberties: if we neglected to provide for the general body of the people the means of obtaining that information by which those rights and liberties are secured and protected? The indiscriminate saving of money is neither wisdom nor economy. There are other gods more worthy of adoration than Mammon. There are cases when expenditure itself is economy. Who would applaud the wisdom of that commander who, when a fortress is about to be besieged, should provide neither ammunition nor provisions, lest they should cost money? How wise would be the conduct of that Government which should neglect to provide those advantages the improvements of the age afford; which should neglect to place its country, in science or in arts, in peace as well as in war, upon an equality with all surrounding or with all rival nations? Measures, however purely pacific or intellectual—measures calculated

to enrol our citizens among the benefactors of human society, among those who have improved and elevated the human mind, seem generally to be the objects of vigilance and suspicion, cautiously investigated, slowly adopted. How readily have millions been lavished by almost every nation, every form of government, to desolate and destroy! How reluctantly have thousands, we might say hundreds, been given to secure those acquisitions far more important than foreign conquests or military triumphs—those principles which can alone render conquest or triumph of any value! For, what creates national happiness? what constitutes national glory? Is it the mere exertions of physical force; the struggles of the animal man; the waste of human life? Alas! if these are the elements of glory, what family of the savage Indian, what horde of the wandering Tartar, what tribe of the children of Ismael, what kraal or village of the Hotentot or the Ethiopie, would not be illumined by its beams? When has man been found, and permitted regulated passions, tempered ambition, and intellectual dictates to guide his footsteps? And it is only in proportion as these powers which distinguish him from the rest of the animal creation are exercised, that he manifests his high station, that he assumes the rank allotted to him in the scale of creation. It is rational, not physical man, that guides, and governs, and elevates, and dignifies the human race. It is rational, not physical, that aspires to Heaven.

It was not Salamis—it was not Marathon or Plataea, that has perpetuated the name of Athens. What were the conquests or victories of Republican Greece, to those of Attila, of Zingis, or Timour? It was that illustrious race whom she reared in, or attracted to her schools, her temples, her academic groves; those who gave to immortality the breathings of poetry, the speculations of philosophy, the martial deeds of themselves, of their ancestors, and compatriots; sages who extended the powers of the human intellect, and threw a shadowy, yet enduring halo of glory around their country, that endears her name, her language, her fortunes, even to the present hour. How greatly, then, should we feel indebted to those who, having the means, almost the destinies of the nation under their control, with true patriotism and wise economy, unmindful of local or temporary feelings, give to their country those institutions necessary for the intellectual improvement of her citizens; give to the rising generations those advantages which may make them worthy of their country. These are benefactions which posterity shall acknowledge. These are the acts which shall give to national character that lustre no other services can bestow; will give to patriotism those motives for inculcating the love of country, which patriotism may be proud to employ.

Neither let it be said, that these aids have not been hitherto required to raise up illustrious men, who have exalted the character of the land that gave them birth, and whom that land now remembers with gratitude and respect. Let not solitary examples of moral greatness deceive us. Even if uncommon minds, if transcendent talents, can sometimes pierce through the darkness with which ignorance, and neglect, and perhaps poverty has enshrouded them; if they sometimes burst upon an admiring or an astonished world, awing, overpowering, consuming,—these are not the exhibitions of genius we require. Even if these portentous visions prove beneficent, they suit us not. Their example is illusive—it misleads mankind. It is not the meteor fire glaring through our atmosphere, we wish to see, but a steady and enduring light. We want not in our system a sun dazzling and obscuring all lesser orbs by its refulgence; but a diffusion of similar and nearly equal luminaries, like the bright firmament of night, where, although one star may differ from another star in glory, yet no one beams with overpowering lustre, no one conceals the order and regularity of the system, no one interrupts or disturbs the harmony of the scene.

Yet even in other respects these examples are deceptive. For it is only or principally in those cases when man is to be controlled and governed; in those cases where mental energy and sagacity must be promptly and vigorously exercised, that untried and untrained talents have been developed. And no one doubts that their effects would have been greater, their influence more beneficial, if their sphere of observation had been more extended; if such minds had been permitted to enlarge and correct their own views by the examples and recorded wisdom of kindred spirits.

But in knowledge which consists in the accumulation of observations, opinions, and facts, who can travel through the maze of science, unaided and alone? who can dispense with the labours of those who have preceded him? who could take up, as an unknown, unstudied book, the great volume of nature, and acquire in the term of human life even an imperfect reading? What strength of mind, what sagacity, can compensate the want of collateral assistance? What architect can build without materials.

The time, the talents of thousands have been for ages devoted to science. We should be acquainted with all their discoveries; we should be placed upon the same elevated level with our contemporaries, before we can join advantageously or fairly in their efforts, and become companions in their triumphs; before we can accurately determine what portions of the great fabric of science are imperfect or defective; what portions invite

our research; in what sections exertions and attention are wanting; when that would be superfluous. In these labours the lofty and aspiring mind of man delights to engage, whether stimulated by interest or curiosity, or excited by an ardent desire to look beyond himself; to understand the laws and arrangements of that system to which he finds himself connected; to converse with wisdom; to become familiar with the manifestations of power; to view with an eye of intelligence as well as admiration the untailing exhibition of beauty, magnificence, and order.

It is in employments and moments like this, that the mind seems to disfranchise itself from the shackles of its material frame; to disencumber itself from the dross of mortality; to feel the overshadowings and inspirations of a purer and a loftier spirit. It is then that man pants to place the impress of greatness and duration, the seal of immortality on all that surrounds him; to incorporate himself with the scenes and events that pass along; to live not for the present hour, but for the ages and generations that are to come. And, however, to the inert or the unfeeling, to the egotist, or sensualist these aspirations may appear absurd or idle, such is the condition of our existence, that nothing great nothing worthy or breathing of immortality, can be expected from the individual or the nation, whose views never soar beyond the wants, the enjoyments, the desires of the present hour. Man lives more than he is aware of for posterity; and often his greatest enjoyments are derived from the pursuit and accomplishment of those objects which, while they scatter blessings around the present generation, promise, perhaps ensure benefits to distant ages. He builds temples that a future race may worship; creates institutions where another age shall be instructed; frames laws and constitutions by which they shall be guided and protected; rears monuments that shall testify to them his triumphs and improvements. And posterity repays them with the tribute of respect and veneration the undying name, the deep feeling of admiration which departed greatness always inspires. Even inanimate objects revive the strong impressions which the mind receives from the remembrance of the deeds of the ages which have passed away, as they testify to the power and the grandeur of the mighty who have fallen. Who can walk amidst the ruins of Egyptian Thebes, and not remember and feel, even now, the power and magnificence of the race that erected her stupendous fabrics? Who can wander amongst the mouldering ruins of classic Greece without recalling the visions of her greatness, the memory of her sages and her chiefs, the talents of those gifted men whose productions are even now the admiration of mankind? But who inquires where the Tartar or the Arab last pitched his tent? Who cares where the savage of the forest builds his occasional wigwam? It is thus that the memory and character of a country becomes identified with the intellectual powers and employments of her offspring.

And shall we, who are certainly not incurious as to the concerns of this world be indifferent to the republic of letters? Must we be so engrossed in the language and concerns of business that we cannot listen to the language of poetic inspiration? And must we forever and unceasingly be deatened by the din of congressional rivalries? Is there between the rebukes and acclamations of partizans and the hot warfare of canvass for office no happy moment of tranquillity in which the genius of learning may raise her humble head fearlessly, and be respected, and the pursuits of contemplative life be cheered by the free expression of general approbation, and quickened into excellence by the benignity of an attentive nation?

We have had to struggle thus far into our political existence, without the assistance of a great State literary institution; but we have now the promise of one: and let its first fruits, as the literary character of the country is developed, resemble our political institutions in liberality, and be disseminated throughout the remotest corners of our State.

GABRIEL MOORE *Pres't ex-officio*.

Mr Clark moved that the report lie on the table, and that five hundred copies of the same be printed; which was carried.

Mr Clark moved to suspend the further consideration of the orders of the day until Monday next; which was carried.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have instructed me to inform you that they have adopted the following resolution: *Resolved*, that the House of Representatives be informed that the Senate have gone through the business before them, and are ready to adjourn *sine die*.

On motion of Mr Clark: *Resolved* that the Clerk of this House inform the Senate that they have disposed of the business before them, and will be ready to adjourn *sine die* at 10 o'clock.

Mr Riddle made the following report: The committee on enrolled bills have examined and find correctly enrolled, An act to enable the State of Alabama to sell and dispose of certain lands therein named; which originated in the Senate.

Mr Lane made the following report: The committee on enrolled bills have exa-

mined and find correctly enrolled. An act making an appropriation for the payment of certain claims against the State

A Message was received from the Governor by James I. Thornton, which is as follows: Mr Speaker—I am requested by the Governor to inform your honorable body, that he did on this day approve and sign the following bills: An act to provide for the payment of the petit jurors in the County Court of Pike county; an act more effectually to secure the compensation allowed by law to the jurors of Monroe county; an act to discontinue and establish certain election precincts therein specified; an act to attach part of Wilcox county to the county of Clarke; an act for the payment of certain claims therein specified; an act divorcing certain persons therein named; an act to authorize William M. Marr to open and keep in repair a certain road therein mentioned; an act for the relief William Jones, tax collector of Lawrence county; an act to prohibit the Clerks of the Circuit and County Courts of Tuscaloosa county, from taxing in the bill of costs a county tax on judgements rendered in favour of the Bank of the State of Alabama; an act for the relief of Collin Bishop; and an act making appropriations for the payment of certain claims against the State.

The House being about to close its session, Mr Speaker addressed the House as follows:

GENTLEMEN—The hour has arrived which dissolves our connexion as members of this body, and brings to a close our labors as representatives of the people. The trust which you have confided to me, is now returned into your hands. From my inexperience, and a conviction of my inability, I entered upon the discharge of its duties with fearful apprehensions of the result; the resolution, however, which you have just passed, affords conclusive proof that whatever distrust I may have entertained of myself, I have not entirely disappointed your expectations: indeed, the very flattering expression of approbation it bears of the course which I have pursued, excites emotions of grateful sensibility, which time cannot efface from my remembrance. If a rigid and an inflexible enforcement of the rules of this House, and the laws which govern deliberative assemblies, has given momentary displeasure to one of you, an apology I hope, will be found in the anxious solicitude which I have felt for the despatch of business, and for the character and dignity of this body. I have endeavored to avoid giving just cause of offence to any; but I must say, that, without regard to consequences, I have endeavored to discharge my duty.

We are now about to separate, some of us for a time, many of us, doubtless, forever. If, in the collision of conflicting opinions during our deliberations, angry and unpleasant feelings have been excited, let me beg you to offer them here as sacrifices on the altar of your country's good. It is right, it is salutary, that a difference of sentiment should exist among us both on local and on great national points of policy; but where *principles* and not *men*, are the governing rule of our action, there is no cause for rancorous hostility, or even unfriendly feeling. Let us, then, remain personal friends, though we become political opponents.

Accept, gentlemen, my prayers for your safe and speedy arrival to the bosom of your families. May you find them contented and happy; and may those for whom you have here acted, reward the exertions you have made for the promotion of their interest and the security of their rights, with a renewal of increased confidence and esteem.

Allow me to tender you individually my most friendly salutations, and an affectionate adieu.

Mr Speaker then announced the House adjourn *sine die*. And then the House adjourned.

JAMES PENN,

Speaker of the House of Representatives.

ATTEST, T. B. TUNSTALL, *Clerk of the House of Representatives.*